

## ANNOTATED MINUTES

*Tuesday, January 25, 1994 - 9:30 AM - 10:30 AM  
Multnomah County Courthouse, Room 602*

### BOARD BRIEFINGS

- B-1 *Tax Supervising and Conservation Commission Briefing on its Draft Strategic Plan. Presented by Joe Labadie.*

**JOE LABADIE AND MARGARET BAUER PRESENTATION AND RESPONSE TO BOARD QUESTIONS.**

- B-2 *County Bridge Section Audit: Continue Diligent Efforts. Presented by Gary Blackmer.*

**GARY BLACKMER, LARRY NICHOLAS AND STAN GHEZZI PRESENTATION AND RESPONSE TO BOARD QUESTIONS.**

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*Tuesday, January 25, 1994 - 1:30 PM  
Multnomah County Courthouse, Room 602*

### PLANNING ITEMS

*Chair Beverly Stein convened the meeting at 1:30 p.m., with Vice-Chair Tanya Collier, Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present.*

- P-1 *CU 3-94 Review the January 3, 1994 Hearings Officer Decision APPROVING, Subject to Conditions, Requested Conditional Use Approval for a Three-Acre Mortgage Lot in the Exclusive Farm Use District, for Property Located at 33205 SE OXBOW DRIVE.*

**DECISION READ, NO APPEAL FILED, DECISION STANDS.**

- P-2 *CU 5-94 Review the January 3, 1994 Hearings Officer Decision APPROVING, Subject to Conditions, Requested Conditional Use Approval to Allow Conversion of an Existing Single Family Dwelling Unit into a Bait and Tackle Shop, for Property Located on THE NORTH SIDE OF NE TUMALT ROAD IN THE COMMUNITY OF DODSON.*

**DECISION READ, NO APPEAL FILED, DECISION STANDS.**

- P-3 *ZC 1-94/LD 34-93 Review the January 3, 1994 Hearings Officer Decision APPROVING, Subject to Conditions, Requested Zone Change from LR-10 to LR-5, Low Density Residential District, and a Three-Lot Land Division, for Property Located at 12414 SE HAROLD STREET.*

**DECISION READ, NO APPEAL FILED, DECISION STANDS.**


- P-4 *C 12-93 First Reading of a Proposed ORDINANCE Amending the R-20 and R-30 Residential Zoning Districts by Adding a Definition of Lot*

**PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. SCOTT PEMBLE EXPLANATION. COMMISSIONER SALTZMAN MOVED, SECONDED BY COMMISSIONER COLLIER, APPROVAL OF THE FIRST READING. TESTIMONY IN OPPOSITION TO PROPOSED ORDINANCE AND RESPONSE TO BOARD QUESTIONS BY LOUISE BEAUCHAMP. TESTIMONY IN SUPPORT OF PROPOSED ORDINANCE BY ROBERT STOLL. BOARD COMMENTS. MOTION UNANIMOUSLY APPROVED. SECOND READING SCHEDULED FOR 1:30 PM, TUESDAY, FEBRUARY 8, 1994.**

**MR. PEMBLE UPDATE ON STATUS OF COUNTY/LCDC REQUEST FOR CONTINUATION.**

*There being no further business, the meeting was adjourned at 1:53 p.m.*

OFFICE OF THE BOARD CLERK  
for MULTNOMAH COUNTY, OREGON

  
Deborah L. Bogstad

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Thursday, January 27, 1994 - 9:30 AM  
Multnomah County Courthouse, Room 602

**REGULAR MEETING**

*Chair Beverly Stein convened the meeting at 9:30 a.m., with Vice-Chair Tanya Collier, Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present.*

**CONSENT CALENDAR**

**UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, THE CONSENT CALENDAR, (ITEMS C-1 THROUGH C-12) WAS UNANIMOUSLY APPROVED.**

**NON-DEPARTMENTAL**

- C-1 *In the Matter of the Appointments of Lillian Adams, Maria Hall, Frank Knapp, Raleigh Lewis, Richard Sanders, Susan Sharp and Mary Trupp to the MULTNOMAH COUNTY FAIR ADVISORY BOARD*
- C-2 *In the Matter of the Appointments of Jim Harper, Eva Parsons, Patricia Schruggs, Darrell Simms and Paul Warr-King to the REGIONAL STRATEGIES BOARD*

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-3 *ORDER in the Matter of the Execution of Deed D940981 Upon Complete Performance of a Contract to Edmund V. Thompson and Ellen Fager*

**ORDER 94-15.**

- C-4 *ORDER in the Matter of the Execution of Deed D940982 Upon Complete Performance of a Contract to Michael R. Ball*

**ORDER 94-16.**

**DEPARTMENT OF HEALTH**

- C-5 *Ratification of Amendment No. 3 to Intergovernmental Agreement Contract 200724 Between Multnomah County and the Oregon Health Division, Providing Increased Revenue to the Central Drug Purchasing Program, for the Period July 1, 1993 through June 30, 1994*
- C-6 *Ratification of Intergovernmental Agreement Contract 201244 Between the Multnomah County and the Oregon Health Division, Providing Research Services Related to Grants Awarded to the County for Various HIV and Substance Abuse Projects, for the Period October 1, 1993 through September 30, 1994*
- C-7 *Ratification of Intergovernmental Agreement Contract 201254 Between Multnomah County and Oregon Health Sciences University, Providing Certain Primary Care Dental Services at the Russell Street Dental Clinic to Oregon Health Plan Members*
- C-8 *Ratification of Amendment No. 1 to Intergovernmental Agreement Contract 200614 Between Multnomah County and Oregon Adult and Family Services Division, Providing Health Screening Assessment Services for Refugees, for the Period Upon Execution through September 30, 1994*

**CHILDREN AND FAMILIES SERVICES DIVISION**

- C-9 *RESOLUTION in the Matter of Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody*

**RESOLUTION 94-17.**

- C-10 *Ratification of Amendment No. 3 to Intergovernmental Agreement Contract 100274 Between Multnomah County and Oregon Health Sciences University, Providing Increased Adult Mental Health Program Funding, for the Period January 1, 1994 through June 30, 1994*
- C-11 *Ratification of Intergovernmental Agreement Contract 104624 Between Multnomah County and the Regional Drug Initiative, Providing Continued Participation in a Multi-Agency Effort to Combat Drug Abuse in Multnomah County, for the Period January 1, 1994 through June 30, 1994*
- C-12 *Ratification of Intergovernmental Agreement Contract 104604 Between Multnomah County and the Housing Authority of Portland, to Support the Housing Authority's Efforts to Prevent Evictions and Homelessness of Families in Publicly Assisted Housing Under the Federally Funded Family and Community Partnerships Project, for the Period Upon Execution through September, 30, 1994*

## **REGULAR AGENDA**

### **DEPARTMENT OF LIBRARY SERVICES**

- R-1a PROCLAMATION in the Matter of Proclaiming Winners of the Multnomah County Library Employee Applause Award*

**GINNIE COOPER READ PROCLAMATION AND EXPLAINED HOW AND WHY RECIPIENTS WERE SELECTED BY THEIR PEERS. BOARD GREETED AND ACKNOWLEDGED JOAN SMITH, ANNE RIEGER, ARDEN SHELTON, HEIDI THOMPSON, POLLY WESTOVER, ANN THOMPSON AND CONNIE ABBOTT. UPON MOTION OF COMMISSIONER SALTZMAN, SECONDED BY COMMISSIONER HANSEN, PROCLAMATION 94-18 WAS UNANIMOUSLY APPROVED.**

### **NON-DEPARTMENTAL**

- R-1b Presentation in the Matter of Employee Service Awards Honoring Multnomah County Employees with Various Years of Service*

**BOARD GREETED, ACKNOWLEDGED AND PRESENTED 5 YEAR AWARDS TO JOANNE FULLER OF DCC; SUSAN GLENN, JOY GRUBER AND NANCY WOODARD OF DES; JOHN CABRERA OF DLS; JANET HAWKINS, LORRAINE STEINBERGER AND HENRY TUPPER OF DSS; 10 YEAR AWARDS PRESENTED TO RICHARD MATTER OF DCC; CARLA GONZALES, JOANNE LIGATICH AND HEATHER STEWARD OF DSS; 15 YEAR AWARDS PRESENTED TO MARY O'MALLEY OF DA'S OFFICE; NORMAN ANGLEEN AND BONNIE THORNTON OF DES; MARJORIE SCHOENFELDER AND BARBARA TRAXLER OF DSS; 20 YEAR AWARDS PRESENTED TO JUANITA LOMAX OF DES; ROSALIE GRAFE OF DLS; 25 YEAR AWARD TO JOHN REYNOLDS, JR. OF NOND; AND 35 YEAR AWARD TO GARY LONG OF DSS.**

### **DISTRICT ATTORNEY'S OFFICE**

- R-1 Budget Modification DA 6 Requesting Authorization to Reclassify Two Operations Supervisor Positions to Lead Legal Assistants*

**COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-1. CHAIR STEIN AND DAVE WARREN EXPLANATION AND DISCUSSION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.**

### **SHERIFF'S OFFICE**

- R-2 Ratification of Intergovernmental Agreement Contract 800574 Between Multnomah County and the U.S. Immigration and Naturalization Services, to Provide for the Detention and Care of Persons Charged with Violations of the Immigration and Nationality Act as Amended and Related Criminal Statutes*

**COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-2. MAJOR TOM SLYTER AND MR. WARREN EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED.**

**NON-DEPARTMENTAL**

- R-3** *RESOLUTION in the Matter of Defining and Assigning Board of County Commissioner Liaison Roles*

**COMMISSIONER COLLIER MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-3. CHAIR STEIN EXPLANATION. 1994 LIAISON ASSIGNMENTS: COMMISSIONER SALTZMAN - ASD & CFS; COMMISSIONER HANSEN - HD & JJD; VICE-CHAIR COLLIER - DES & DLS; COMMISSIONER KELLEY - DCC, DA & MCSO. BOARD COMMENTS. RESOLUTION 94-19 UNANIMOUSLY APPROVED.**

**DEPARTMENT OF HEALTH**

- R-7** *Budget Modification HD 4 Requesting Authorization to Delete One Word Processing Position from Health and Adding Funds for Partial Office Assistant Positions in Mental Health Youth and Family Services and Aging Services Divisions*

**COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-7. SUSAN CLARK EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.**

- R-8** *Budget Modification HD 5 Requesting Authorization to Appropriate Additional National Institute of Drug Abuse Grant Funds to Provide Funds for an Investigator in the Targeted HIV Risk Reduction in Drug Treatment Drop-Outs Project*

**COMMISSIONER SALTZMAN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-8. TOM FRONK EXPLANATION AND RESPONSE TO BOARD QUESTIONS. BUDGET MODIFICATION UNANIMOUSLY APPROVED.**

- R-9** *RESOLUTION in the Matter of Accepting the Supplemental 93-94 Budget and Preparing the Approved Supplemental Budget for Submittal to the Tax Supervising and Conservation Commission*

**COMMISSIONER SALTZMAN MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-9. TOM FRONK AND MR. WARREN EXPLANATION AND RESPONSE TO BOARD QUESTIONS. RESOLUTION 94-20 UNANIMOUSLY APPROVED.**

- R-10** *RESOLUTION in the Matter of Creating the CareOregon Enterprise Fund and Establishing Guidelines for Receipts and Disbursements*

**COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-10. MR. WARREN EXPLANATION.**

**RESOLUTION 94-21 UNANIMOUSLY APPROVED.**

**CHILDREN AND FAMILIES SERVICES DIVISION**

- R-4 *Ratification of Intergovernmental Agreement Contract 104264 Between Multnomah County and the Portland Development Commission, Providing Weatherization Renovation Funding to the Broadway Hotel Project, for the Period Upon Execution through June 30, 1994*

**COMMISSIONER SALTZMAN MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-4. BILL THOMAS EXPLANATION. AGREEMENT UNANIMOUSLY APPROVED.**

- R-5 *Ratification of Amendment No. 1 to Intergovernmental Agreement Contract 102954 Between Multnomah County and the City of Portland, Providing Additional Byrne Domestic Violence Grant Dollars for Domestic Violence Services Contracted to the American Red Cross, for the Period Upon Execution through June 30, 1994*

**COMMISSIONER HANSEN MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-5. MR. THOMAS EXPLANATION FOR ITEMS R-5 AND R-6 AND RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED.**

- R-6 *Budget Modification CFS 3 Requesting Authorization to Add \$12,000 in City of Portland Byrne Domestic Violence Grant Funds to the Housing and Community Services Division, Community Action Program Budget Pass-Through Line*

**COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-6. MR. THOMAS RESPONSE TO BOARD QUESTIONS. BUDGET MODIFICATION UNANIMOUSLY APPROVED.**

**PUBLIC COMMENT**

- R-11 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

*There being no further business, the meeting was adjourned at 10:21 a.m.*

**OFFICE OF THE BOARD CLERK  
for MULTNOMAH COUNTY, OREGON**



**Deborah L. Bogstad**



# MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK  
SUITE 1510, PORTLAND BUILDING  
1120 S.W. FIFTH AVENUE  
PORTLAND, OREGON 97204

## BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN •	CHAIR •	248-3308
DAN SALTZMAN •	DISTRICT 1 •	248-5220
GARY HANSEN •	DISTRICT 2 •	248-5219
TANYA COLLIER •	DISTRICT 3 •	248-5217
SHARRON KELLEY •	DISTRICT 4 •	248-5213
CLERK'S OFFICE •	248-3277 •	248-5222

## AGENDA

### MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

#### FOR THE WEEK OF

JANUARY 24, 1994 - JANUARY 28, 1994

*Tuesday, January 25, 1994 - 9:30 AM - Board Briefings. . . . .Page 2*

*Tuesday, January 25, 1994 - 1:30 PM - Planning Items . . . . .Page 2*

*Thursday, January 27, 1994 - 9:30 AM - Regular Meeting. . . . .Page 3*

*Thursday Meetings of the Multnomah County Board of Commissioners are taped and can be seen at the following times:*

*Thursday, 10:00 PM, Channel 11 for East and West side subscribers*

*Thursday, 10:00 PM, Channel 49 for Columbia Cable (Vancouver) subscribers*

*Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah East) subscribers*

*Saturday 12:00 Noon, Channel 21 for East Portland and East County subscribers*

**INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222, OR MULTNOMAH COUNTY TDD PHONE 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.**

Tuesday, January 25, 1994 - 9:30 AM - 10:30 AM

Multnomah County Courthouse, Room 602

**BOARD BRIEFINGS**

- B-1      *Tax Supervising and Conservation Commission Briefing on its Draft Strategic Plan. Presented by Joe Labadie. 30 MINUTES REQUESTED.*
- B-2      *County Bridge Section Audit: Continue Diligent Efforts. Presented by Gary Blackmer. 30 MINUTES REQUESTED.*
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Tuesday, January 25, 1994 - 1:30 PM

Multnomah County Courthouse, Room 602

**PLANNING ITEMS**

- P-1      CU 3-94      *Review the January 3, 1994 Hearings Officer Decision APPROVING, Subject to Conditions, Requested Conditional Use Approval for a Three-Acre Mortgage Lot in the Exclusive Farm Use District, for Property Located at 33205 SE OXBOW DRIVE.*
- P-2      CU 5-94      *Review the January 3, 1994 Hearings Officer Decision APPROVING, Subject to Conditions, Requested Conditional Use Approval to Allow Conversion of an Existing Single Family Dwelling Unit into a Bait and Tackle Shop, for Property Located on THE NORTH SIDE OF NE TUMALT ROAD IN THE COMMUNITY OF DODSON.*
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- P-4      C 12-93      *First Reading of a Proposed ORDINANCE Amending the R-20 and R-30 Residential Zoning Districts by Adding a Definition of Lot*
-



Thursday, January 27, 1994 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1      *In the Matter of the Appointments of Lillian Adams, Maria Hall, Frank Knapp, Raleigh Lewis, Richard Sanders, Susan Sharp and Mary Trupp to the MULTNOMAH COUNTY FAIR ADVISORY BOARD*
- C-2      *In the Matter of the Appointments of Jim Harper, Eva Parsons, Patricia Schruggs, Darrell Simms and Paul Warr-King to the REGIONAL STRATEGIES BOARD*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-3      *ORDER in the Matter of the Execution of Deed D940981 Upon Complete Performance of a Contract to Edmund V. Thompson and Ellen Fager*
- C-4      *ORDER in the Matter of the Execution of Deed D940982 Upon Complete Performance of a Contract to Michael R. Ball*

DEPARTMENT OF HEALTH

- C-5      *Ratification of Amendment No. 3 to Intergovernmental Agreement Contract 200724 Between Multnomah County and the Oregon Health Division, Providing Increased Revenue to the Central Drug Purchasing Program, for the Period July 1, 1993 through June 30, 1994*
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CHILDREN AND FAMILIES SERVICES DIVISION

- C-9      *RESOLUTION in the Matter of Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into*

## Custody

- C-10      *Ratification of Amendment No. 3 to Intergovernmental Agreement Contract 100274 Between Multnomah County and Oregon Health Sciences University, Providing Increased Adult Mental Health Program Funding, for the Period January 1, 1994 through June 30, 1994*
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## REGULAR AGENDA

### DISTRICT ATTORNEY'S OFFICE

- R-1      *Budget Modification DA 6 Requesting Authorization to Reclassify Two Operations Supervisor Positions to Lead Legal Assistants*

### SHERIFF'S OFFICE

- R-2      *Ratification of Intergovernmental Agreement Contract 800574 Between Multnomah County and the U.S. Immigration and Naturalization Services, to Provide for the Detention and Care of Persons Charged with Violations of the Immigration and Nationality Act as Amended and Related Criminal Statutes*

### NON-DEPARTMENTAL

- R-3      *RESOLUTION in the Matter of Defining and Assigning Board of County Commissioner Liaison Roles*

### CHILDREN AND FAMILIES SERVICES DIVISION

- R-4      *Ratification of Intergovernmental Agreement Contract 104264 Between Multnomah County and the Portland Development Commission, Providing Weatherization Renovation Funding to the Broadway Hotel Project, for the Period Upon Execution through June 30, 1994*
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- R-6      *Budget Modification CFS 3 Requesting Authorization to Add \$12,000 in City of*

*Portland Byrne Domestic Violence Grant Funds to the Housing and Community Services Division, Community Action Program Budget Pass-Through Line*

**DEPARTMENT OF HEALTH**

- R-7      *Budget Modification HD 4 Requesting Authorization to Delete One Word Processing Position from Health and Adding Funds for Partial Office Assistant Positions in Mental Health Youth and Family Services and Aging Services Divisions*
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- R-9      *RESOLUTION in the Matter of Accepting the Supplemental 93-94 Budget and Preparing the Approved Supplemental Budget for Submittal to the Tax Supervising and Conservation Commission*
- R-10     *RESOLUTION in the Matter of Creating the CareOregon Enterprise Fund and Establishing Guidelines for Receipts and Disbursements*

**PUBLIC COMMENT**

- R-11     *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*



# MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK  
SUITE 1510, PORTLAND BUILDING  
1120 S.W. FIFTH AVENUE  
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS		
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DAN SALTZMAN •	DISTRICT 1 •	248-5220
GARY HANSEN •	DISTRICT 2 •	248-5219
TANYA COLLIER •	DISTRICT 3 •	248-5217
SHARRON KELLEY •	DISTRICT 4 •	248-5213
CLERK'S OFFICE •	248-3277 •	248-5222

## SUPPLEMENTAL AGENDA

*Thursday, January 27, 1994 - 9:30 AM*

*Multnomah County Courthouse, Room 602*

### REGULAR MEETING

#### DEPARTMENT OF LIBRARY SERVICES

*R-1a PROCLAMATION in the Matter of Proclaiming Winners of the Multnomah County Library Employee Applause Award. 9:30 AM TIME CERTAIN.*

#### NON-DEPARTMENTAL

*R-1b Presentation in the Matter of Employee Service Awards Honoring Multnomah County Employees with Various Years of Service. 9:45 AM TIME CERTAIN, 30 MINUTES REQUESTED.*

1994-1, AGE/21/cap

MEETING DATE: January 25, 1994

AGENDA NO: P-1

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: CU 3-94 HO Decision

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING: Date Requested: January 25, 1994

Amount of Time Needed: 2 Minutes

DEPARTMENT: DES DIVISION: Planning and Development

CONTACT: R. Scott Pemble TELEPHONE #: 3182  
BLDG/ROOM #: 412/103

PERSON(S) MAKING PRESENTATION: Planning Staff

ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION ☒ APPROVAL [ ] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

CU 3-94 Review the Decision of the Hearings Officer of January 3, 1994, approving, subject to conditions, requested Conditional Use approval for a three-acre Mortgage Lot in the Exclusive Farm Use District, for property located at 33205 SE Oxbow Drive

1994 JAN 18 AM 9:15  
MULTNOMAH COUNTY  
OREGON  
CLERK OF  
COUNTY COMMISSIONERS

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

OR

DEPARTMENT MANAGER: 

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63

6/93



# MULTNOMAH COUNTY OREGON

DIVISION OF PLANNING & DEVELOPMENT/2115 S.E. MORRISON/PORTLAND, OREGON 97214

## DIVISION OF PLANNING AND DEVELOPMENT

### Board Planning Packet Check List

File No. CU 3-94

☒ Agenda Placement Sheet

No. of Pages 1

☒ Case Summary Sheet

No. of Pages 1

☐ Previously Distributed

\_\_\_\_\_

☐ Notice of Review

No. of Pages \_\_\_\_\_

\*(Maybe distributed at Board Meeting)

☐ Previously Distributed

\_\_\_\_\_

☒ Decision

No. of Pages 7

(Hearings Officer/Planning Commission)

☐ Previously Distributed

\_\_\_\_\_

\*Duplicate materials will be provided upon request.  
Please call 2610.

(CL/1)



CASE NAME: Sester Mortgage Lot

NUMBER CU 3-94

1. Applicant Name/Address

Gordon Sester  
33205 SE Oxbow Drive  
Gresham, OR 97208

2. Action Requested by applicant

A Conditional Use Permit to create a three acre Mortgage Lot  
for purposes of refinancing

**ACTION REQUESTED OF BOARD**

- ☒ Affirm Hearings Officer
- ☐ Hearing
  - ☐ Scope of Review
    - ☐ On the record
    - ☐ De Novo
    - ☐ New Information allowed

3. Planning Staff Recommendation

Approval

4. Hearings Officer Decision:

Approval

5. If recommendation and decision are different, why?

**ISSUES**  
(who raised them?)



**Department of Environmental Services  
Division of Planning and Development  
2115 S.E. Morrison Street  
Portland, Oregon 97214 (503) 248-3043**

**Decision**

This Decision consists of a Condition, Findings of Fact and Conclusions

**January 3, 1994**

**CU 3-94, #697**

**Conditional Use Request  
(Mortgage Lot)**

Applicant requests Conditional Use approval to create a three acre Mortgage Lot in the Exclusive Farm Use District.

**Location:** 33205 SE Oxbow Drive

**Legal:** Tax Lot '3', Section 16, 1S-4E, 1991 Assessor's Map

**Site Size:** 37.58 acres

**Size Requested:** 3 acres

**Property Owner:** Gordon Sester  
33205 SE Oxbow Drive  
Gresham, OR 97080

**Applicant:** Same

**Comprehensive Plan:** Exclusive Farm Use

**Present Zoning:** EFU-38

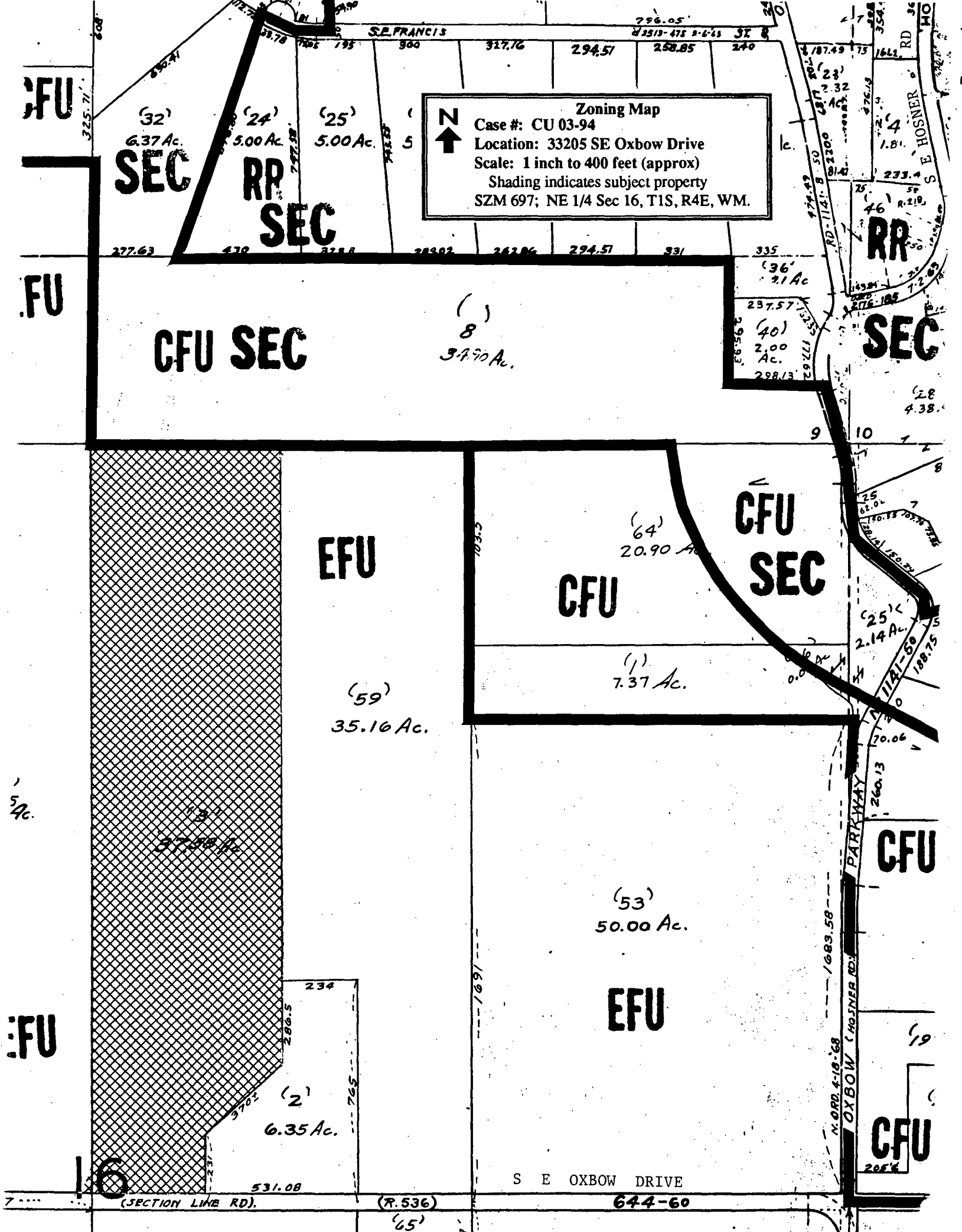
**Hearings Officer**

**Decision:** Approve, subject to a condition, conditional use request for a three acre Mortgage Lot in the Exclusive Farm Use District.

**Condition:**

The applicant shall file appropriate deed restrictions on public record stipulating that the mortgage lot can not be conveyed separately from the parent parcel.





**Zoning Map**  
Case #: CU 03-94  
Location: 33205 SE Oxbow Drive  
Scale: 1 inch to 400 feet (approx)  
Shading indicates subject property  
SZM 697; NE 1/4 Sec 16, T1S, R4E, WM.

(32) 6.37 Ac.  
**SEC**  
(24) 5.00 Ac.  
**RP**  
(25) 5.00 Ac.  
**SEC**

**CFU SEC**

(8)  
34.70 Ac.

(36) 2.1 Ac.  
(40) 2.00 Ac.  
298.13

**RR**  
**SEC**

**EFU**

(59)  
35.16 Ac.

**CFU**

(64)  
20.90 Ac.

**CFU SEC**

(1)  
7.37 Ac.

(53)  
50.00 Ac.

**EFU**

(2)  
6.35 Ac.

**CFU**

**CFU**

S E OXBOW DRIVE

(SECTION LINE RD.)

(R. 536)

644-60

# Plot Plan

Scale 1" = 100'

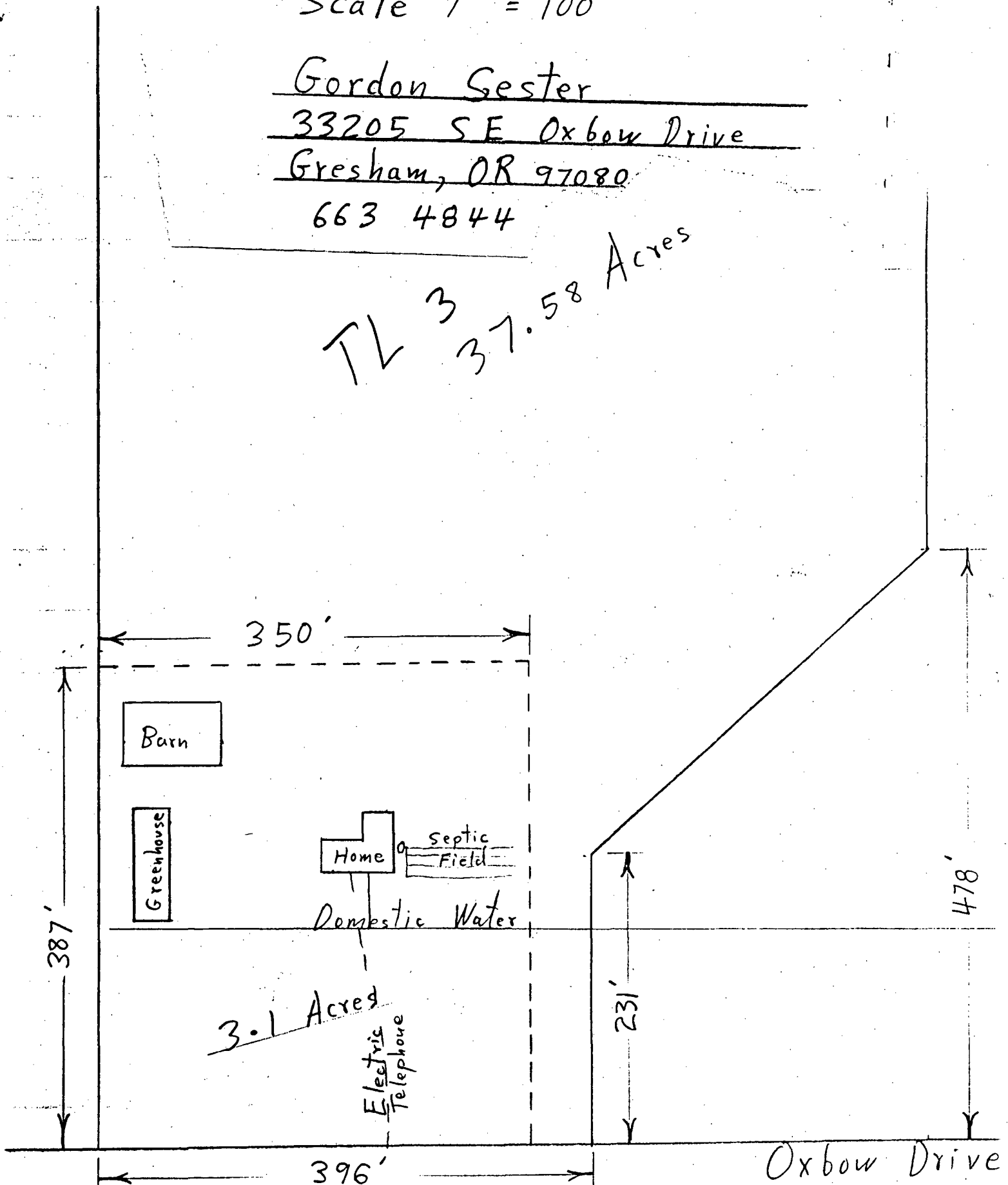
Gordon Sester

33205 SE Oxbow Drive

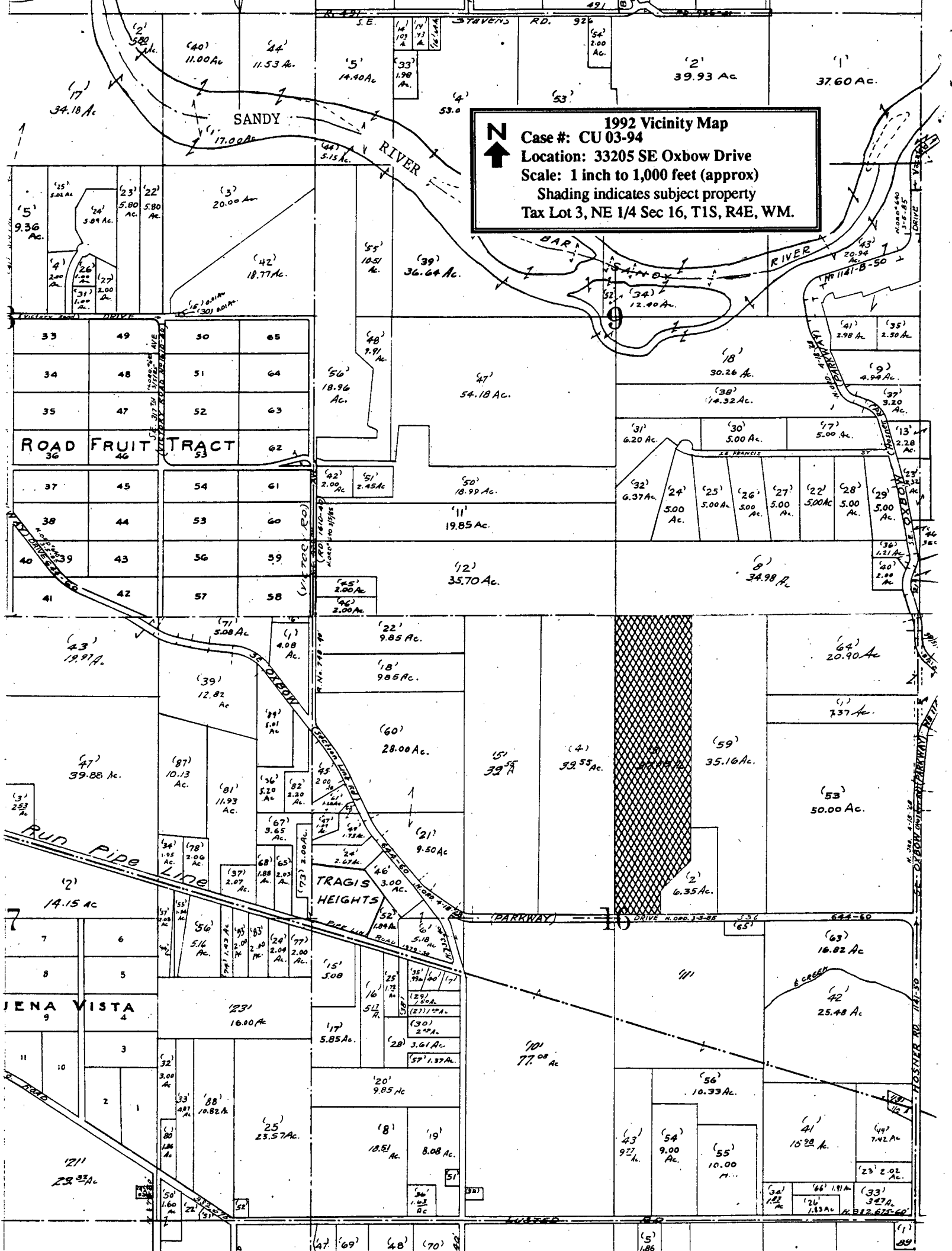
Gresham, OR 97080

663 4844

TL 3 37.58 Acres



**1992 Vicinity Map**  
Case #: CU 03-94  
Location: 33205 SE Oxbow Drive  
Scale: 1 inch to 1,000 feet (approx)  
Shading indicates subject property  
Tax Lot 3, NE 1/4 Sec 16, T1S, R4E, WM.



## **FINDINGS OF FACT:**

### **I. Applicant's Proposal:**

Applicant requests Conditional Use approval to create a three acre Mortgage Lot for refinancing purposes in the Exclusive Farm Use District.

### **II. Ordinance Considerations:**

MCC .2012(B)(7) allows the Hearings Officer to approve a residential use consisting of single family dwelling in conjunction with a primary use listed in MCC .2008 located on a mortgage lot created after August 14, 1980, subject to the following:

- (a) The minimum lot size for the mortgage lot shall be two acres;
- (b) Except as may otherwise be provided by law, a mortgage lot shall not be conveyed as a zoning lot separate from the tract out of which it was created or such portion of the tract as conforms with the dimensional requirements of the Zoning Ordinance then in effect. The purchaser of a mortgage lot shall record a statement referring to this limitation in the Deed Records pertaining to said lot.
- (c) No permit shall be issued for improvement of a mortgage lot unless the contract seller of the tract out of which the mortgage lot is to be created and the mortgagee of said mortgage lot have agreed in writing to the creation of the mortgage lot.

MCC .7122 does not apply to consideration of a mortgage lot since MCC.2012(B)(7) contains specific approval criteria.

### **3. Site and Vicinity Characteristics:**

The subject property is located on the north side of SE Oxbow Drive approximately one-half mile west of its intersection with Oxbow Parkway. The property is used for nursery purposes and developed with a single family residence, greenhouse and barn. The purpose of the requested mortgage lot is to refinance the mortgage for the existing dwelling and no additional development of the property is proposed.

Properties in the immediate area are used almost entirely for various forms of nursery production. This proposal has no impact on any of the surrounding area since no additional development is proposed.

### **4. Compliance With Ordinance Considerations:**

The applicant satisfies the applicable approval criteria as follows:

- (a) The proposed mortgage lot is to be three acres in size (one acre greater than the required two acre minimum).

- (b) The proposed approval condition insures that appropriate deed restrictions stipulating that the mortgage lot can not be conveyed separately from the parent parcel will be on public record. Further, the applicant will be the owner of both parcels. The current zoning would not allow either lot to be conveyed separately, since to do so would be a violation of the aggregation requirements of the EFU-38 zoning district.
- (c) The applicant proposes no additional development of the mortgage lot. By making this application, the owner has agreed to the creation of the mortgage lot.

#### **5. Applicable Policies of the Comprehensive Framework Plan:**

##### **POLICY 13: AIR, WATER AND NOISE QUALITY**

Air, water and noise quality will not be impacted by the proposed refinancing..

##### **POLICY 22: ENERGY CONSERVATION**

There will be no change in the demand placed on energy systems by this proposal.

##### **POLICY 37: UTILITIES**

All necessary utilities are currently in place and in use on the property.

##### **POLICY 38: FACILITIES**

Orient School indicates they have no comment on the proposal and Portland Police and Fire Bureaus indicate they can adequately serve the property.

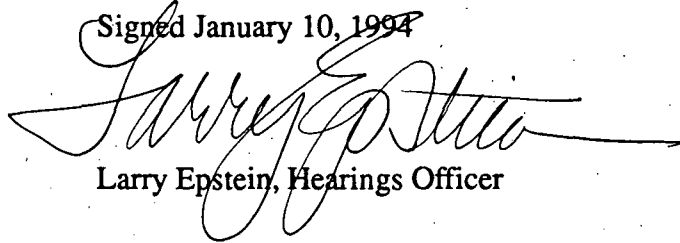
##### **POLICY 40: DEVELOPMENT REQUIREMENTS**

It is inappropriate to require any dedication for the path connection of parks or recreation areas since there are none in the immediate vicinity. SE Oxbow Drive is not a designated route on the Bicycle Master Plan.

#### **CONCLUSIONS:**

1. The applicant has carried the burden necessary for obtaining Conditional Use approval to create a mortgage lot for refinancing purposes.
2. Conditions are necessary to insure compliance with all applicable regulations.

Signed January 10, 1994



Larry Epstein, Hearings Officer

<b>Signed by the Hearings Officer:</b>	<b>January 10, 1994</b>
<b>Decision Mailed to Parties:</b>	<b>January 14, 1994</b>
<b>Decision Submitted to Board Clerk:</b>	<b>January 14, 1994</b>
<b>Last day to Appeal Decision:</b>	<b>January 24, 1994</b>
<b>Reported to Board of County Commissioners:</b>	<b>January 25, 1994</b>

#### **Appeal to the Board of County Commissioners**

The Hearings Officer Decision may be appealed to the Board of County Commissioners (Board) by any person or organization who appears and testifies at the hearing, or by those who submit written testimony into the record. An appeal must be filed with the County Planning Division within ten days after the Hearings Officer decision is submitted to the Clerk of the Board. An appeal requires a completed "Notice of Review" form and a fee of \$300.00 plus a \$3.50-per-minute charge for a transcript of the initial hearing(s). [ref. MCC 11.15.8260(A)(1) and MCC 11.15.9020(B)]. Instructions and forms are available at the County Planning and Development Office at 2115 SE Morrison Street (in Portland).

Failure to raise an issue by the close of the record at or following the final hearing, (in person or by letter), precludes appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to provide specificity on an issue sufficient for the Board to respond, precludes appeal to LUBA on that issue.

To appeal the Hearings Officer decision, a "Notice of Review" form and fee must be submitted to the County Planning Director. For further information call the Multnomah County Planning and Development Division at 248-3043.

MEETING DATE: January 25, 1994

AGENDA NO: P-2

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: CU 5-94 HO Decision

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING: Date Requested: January 25, 1994

Amount of Time Needed: 2 Minutes

DEPARTMENT: DES DIVISION: Planning and Development

CONTACT: R. Scott Pemble TELEPHONE #: 3182  
BLDG/ROOM #: 412/103

PERSON(S) MAKING PRESENTATION: Planning Staff

ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION ☒ APPROVAL [ ] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

CU 5-94 Review the Decision of the Hearings Officer of January 3, 1994, approving, subject to conditions, conditional use request to allow conversion of an existing single family dwelling unit into a bait and tackle shop, for property located on NE Tumalt Road

BOARD OF  
COUNTY COMMISSIONERS  
MULTIOMAH COUNTY  
OREGON  
1994 JAN 18 AM 9:15

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

OR

DEPARTMENT MANAGER: 

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222



# MULTNOMAH COUNTY OREGON

DIVISION OF PLANNING & DEVELOPMENT/2115 S.E. MORRISON/PORTLAND, OREGON 97214

## DIVISION OF PLANNING AND DEVELOPMENT

### Board Planning Packet Check List

File No. CU 5-94

☒ Agenda Placement Sheet      No. of Pages 1

☒ Case Summary Sheet      No. of Pages 1

☐ Previously Distributed      \_\_\_\_\_

☐ Notice of Review      No. of Pages \_\_\_\_\_

\*(Maybe distributed at Board Meeting)

☐ Previously Distributed      \_\_\_\_\_

☒ Decision      No. of Pages 8

(Hearings Officer/Planning Commission)

☐ Previously Distributed      \_\_\_\_\_

\*Duplicate materials will be provided upon request.  
Please call 2610.

(CL/1)





BOARD HEARING OF January 25, 1994

TIME 1:30 p.m

CASE NAME: The Fishery Bait & Tackle Shop

NUMBER CU 5-94

1. Applicant Name/Address

The Fishery, Inc.  
Hc 66, Box 40  
Cascade Locks, OR 97014

2. Action Requested by applicant

A Conditional Use Permit to convert a dwelling unit into a bait and tackle shop in the Columbia River Gorge National Scenic Area.

ACTION REQUESTED OF BOARD	
<input checked="" type="checkbox"/>	Affirm Hearings Officer
<input type="checkbox"/>	Hearing
<input type="checkbox"/>	Scope of Review
<input type="checkbox"/>	On the record
<input type="checkbox"/>	De Novo
<input type="checkbox"/>	New Information allowed

3. Planning Staff Recommendation

Approval

4. Hearings Officer Decision:

Approval

5. If recommendation and decision are different, why?

**ISSUES**  
(who raised them?)



**Department of Environmental Services  
Division of Planning and Development  
2115 S.E. Morrison Street  
Portland, Oregon 97214 (503) 248-3043**

**Decision**

This Decision consists of Findings of Fact and Conclusions

**January 3, 1994**

**CU 5-94, #697**

**Conditional Use Request  
(Bait and Tackle Shop)**

Applicant requests Columbia River Gorge National Scenic Area approval to convert an existing dwelling unit into a bait and tackle shop.

**Location:** NE Tumalt Road

**Legal:** Tax Lots '3' and '7', Section 35, 2N-6E, 1991 Assessor's Map

**Site Size:** 6.32

**Size Requested:** Same

**Property Owner:** The Fishery, Inc.  
HC 66, Box 40  
Cascade Locks, OR 97014

**Applicant:** Same

**Comprehensive Plan:** General Management – Commercial Recreation

**Present Zoning:** GG-CR

**Hearings Officer**

**Decision:** Approve, subject to conditions, Columbia River Gorge National Scenic Area approval to convert an existing dwelling unit into a bait and tackle shop, based on the following Findings and Conclusions.

35

COLUMBIA RIVER

**Zoning Map**  
Case #: CU 05-94  
Location: HC, Box 40, Cascade Locks  
Scale: 1 inch to 400 feet (approx)  
Shading indicates subject property  
SZM 732; SW 1/4 Sec 35, T2N, R6E, WM.



RR SEC

FH

DODSON

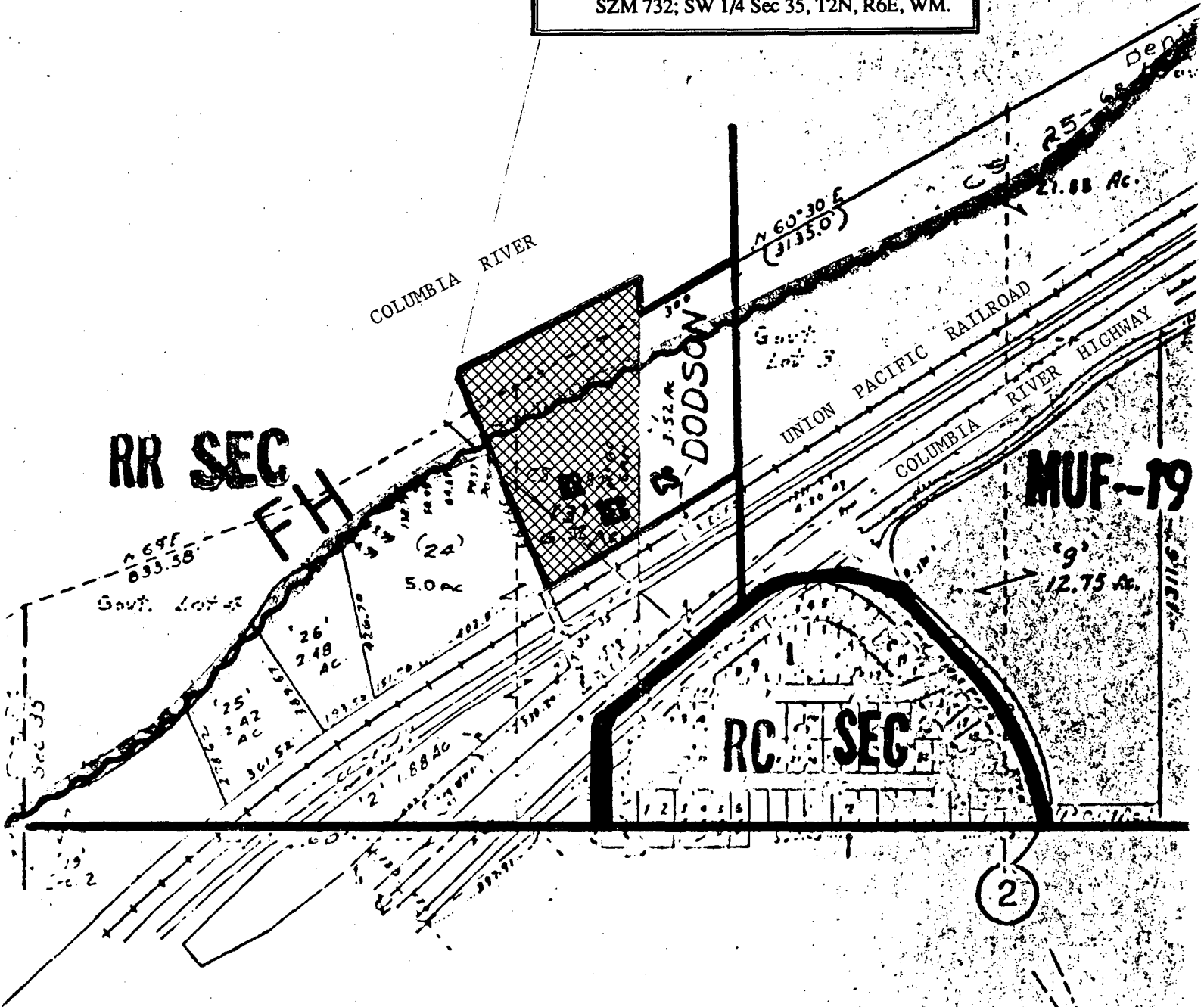
UNION PACIFIC RAILROAD

COLUMBIA RIVER HIGHWAY

MUF-19

RC SEC

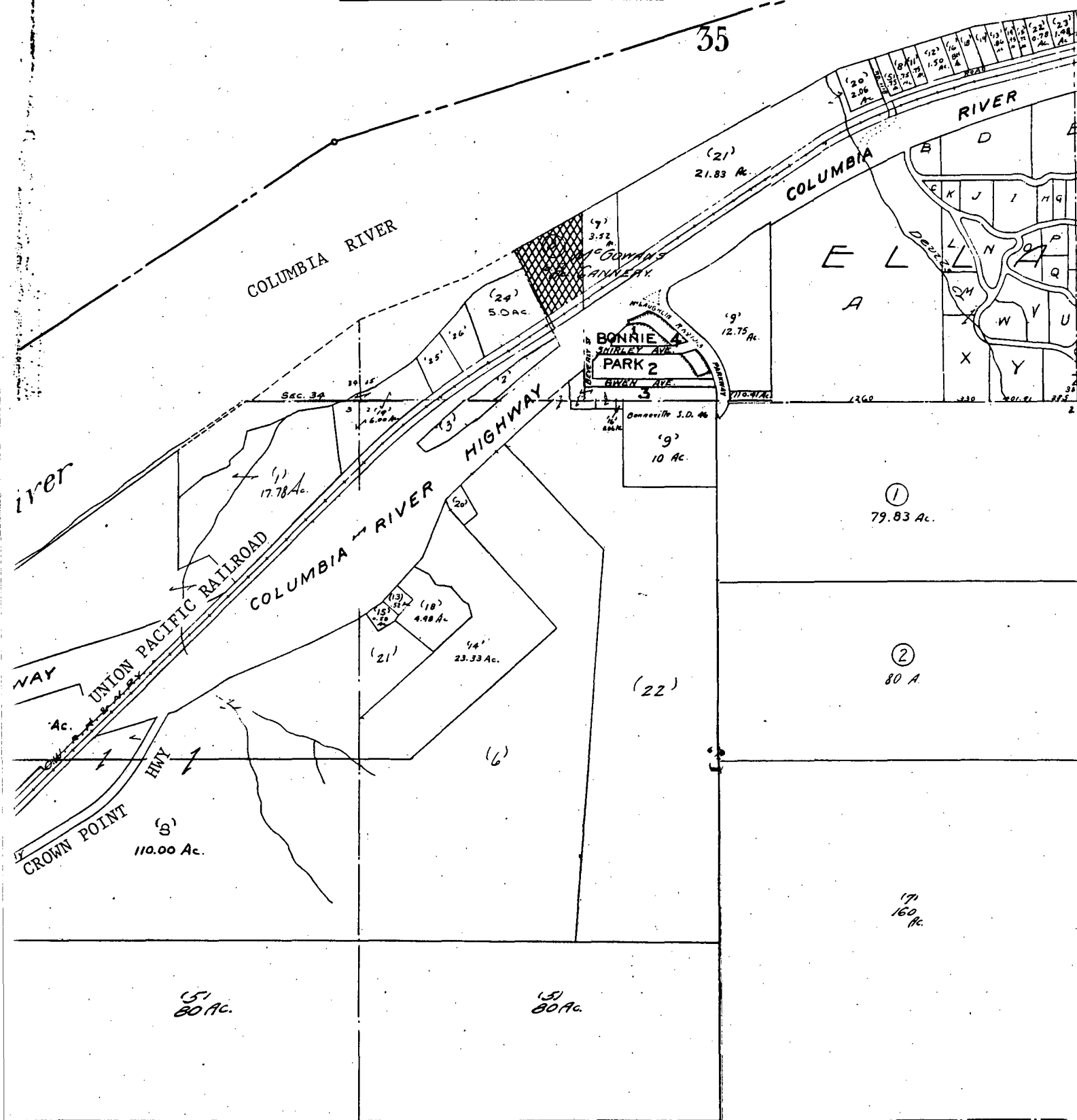
2





1992 Vicinity Map  
Case #: CU 05-94  
Location: HC, Box 40, Cascade Locks  
Scale: 1 inch to 1,000 feet (approx)  
Shading indicates subject property  
Tax Lot 03, SW 1/4 Sec 35, T2N, R6E, WM

WASHINGTON  
OREGON



# GE NATIONAL SCENIC AREA

1986 NSA-001

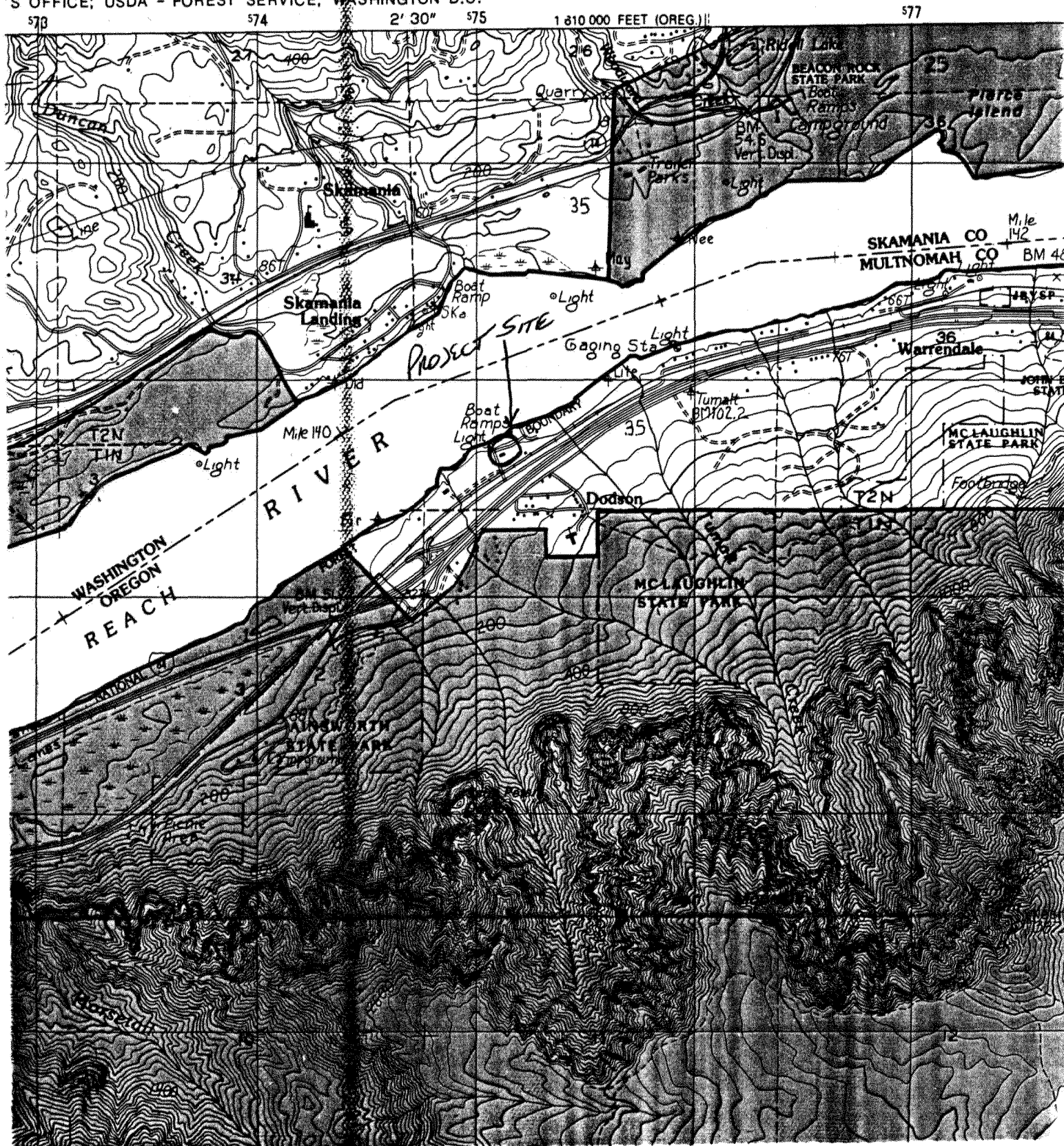
GENERAL  
MANAGEMENT AREA

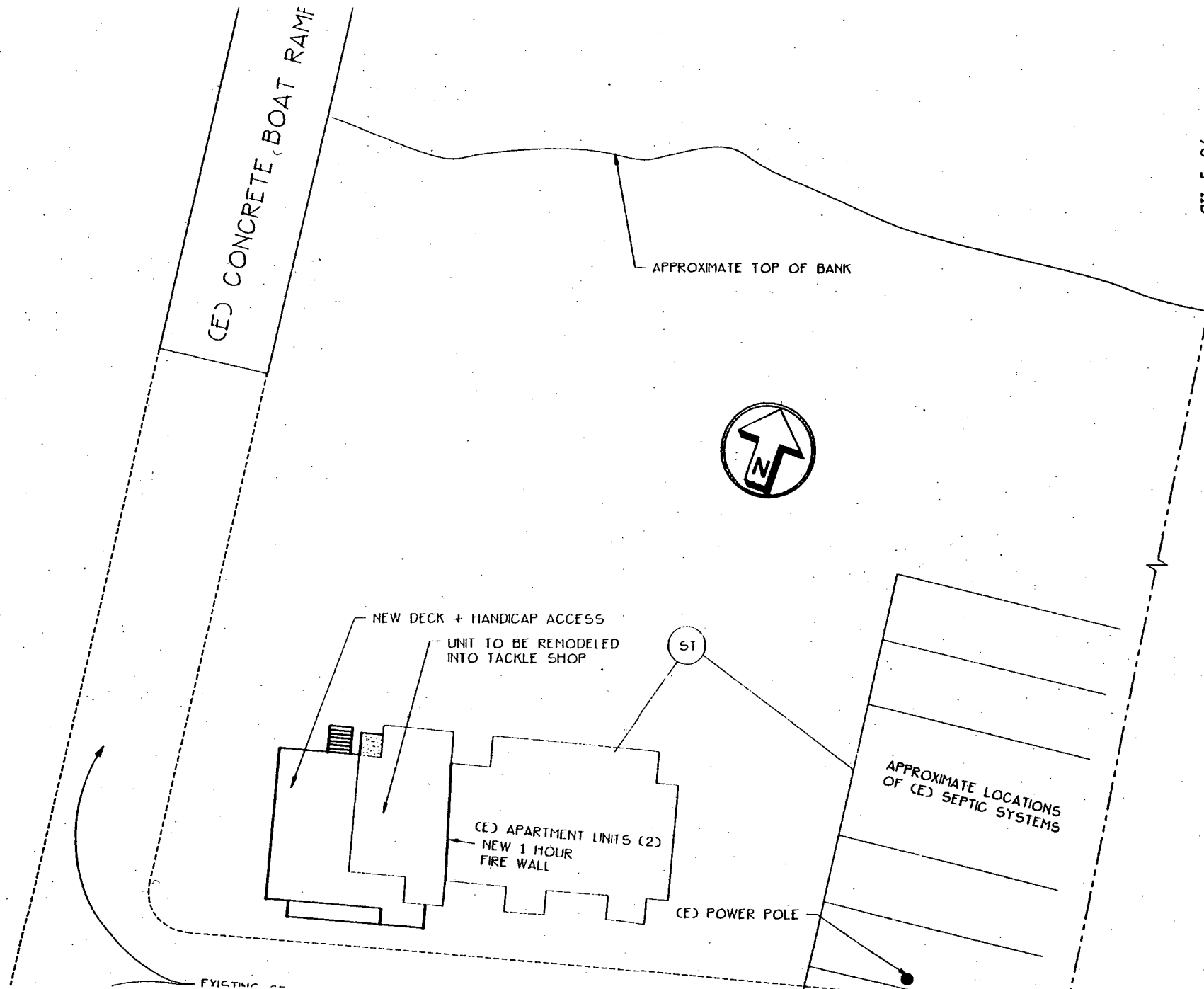
URBAN AREA

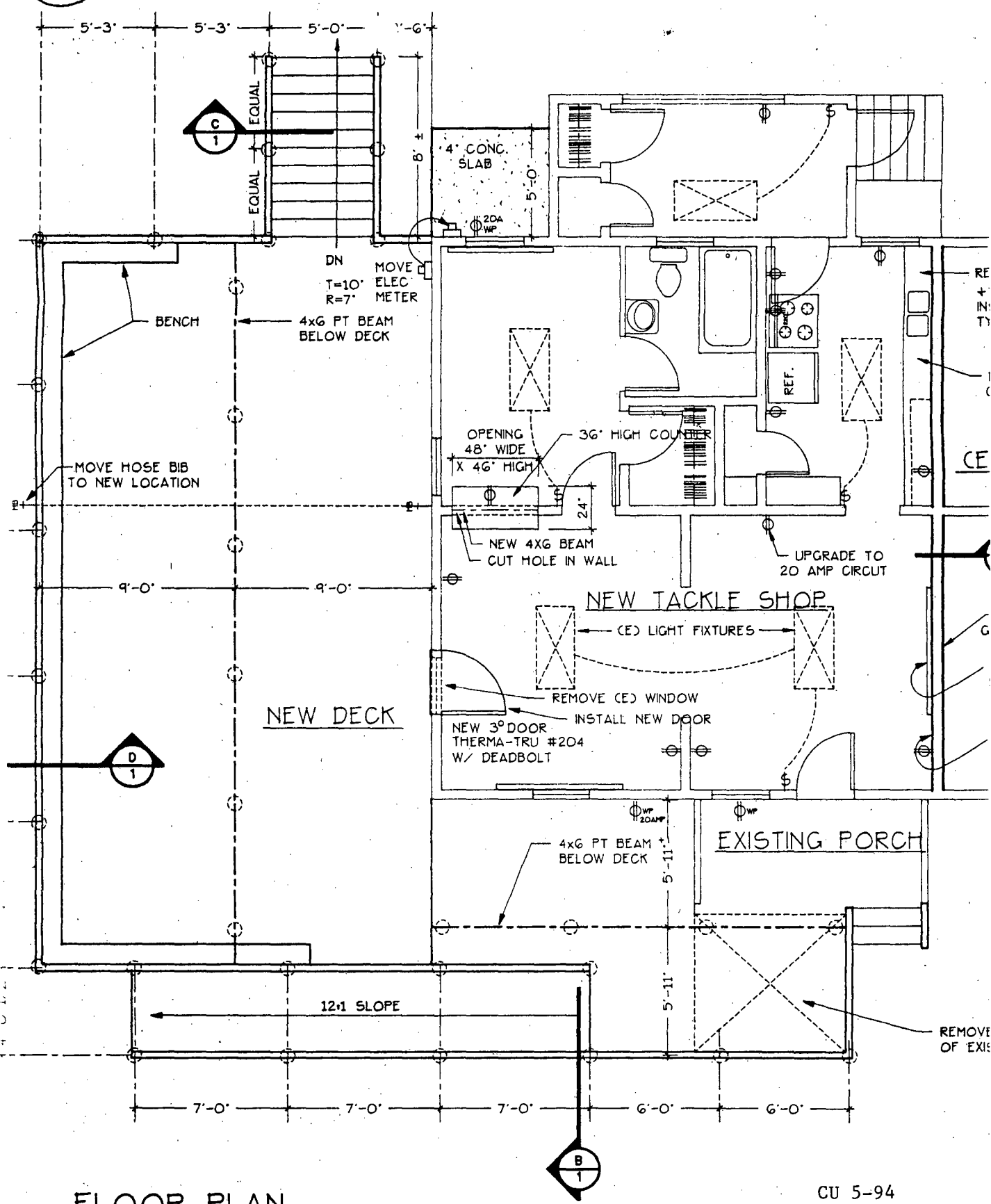
CU 5-94

IC NORTHWEST REGION, USDA FOREST SERVICE  
FROM THE OFFICIAL MAPS REFERRED TO IN SECTION 4  
S OFFICE; USDA - FOREST SERVICE; WASHINGTON D.C.

MULTNOMAH FALLS QUADRA  
OREGON - WASHINGTON  
7.5 MINUTE SERIES (TOPOGRA







FLOOR PLAN

CU 5-94

## **Conditions:**

- (1) If any exterior renovation is done, the roof shall be a dark earth-tone color. Samples of all colors proposed for the sides, roof, trim, and doors of the proposed structures that are visible from key viewing areas shall be submitted to the Planning Director for approval prior to the commencement of development.
- (2) Any new exterior lighting shall be sited, limited in intensity, or shielded and hooded so that it has low contrast with the surrounding landscape and is prevented from being highly visible from key viewing areas.
- (3) Should any cultural resource, historic or prehistoric, be uncovered during construction of the proposed development, construction activity shall stop immediately and the applicant or parties of interest shall notify the Planning Director and the Oregon State Office of Historic Preservation within 24 hours. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.

## **COMMENTS FROM OTHER AGENCIES/INDIVIDUALS:**

Notice of the subject request was mailed to the following agencies/individuals:

Columbia River Gorge Commission/Cultural Advisory Committee  
Confederated Tribes of the Umatilla Indian Reservation  
Confederated Tribes of Warm Springs  
Nez Perce Tribe  
OR State Historic Preservation Office  
U.S. Forest Service NSA Office  
Yakima Indian Nation  
12 surrounding property owners

Comments were received from the Columbia River Gorge Commission, Confederated Tribes of the Umatilla Indian Reservation, and the U.S. Forest Service NSA Office.

## **FINDINGS OF FACT:**

**A. Applicants Request:** Applicant requests NSA Site Review approval to convert an existing dwelling unit within a triplex into a bait and tackle shop on this 6.32 acre parcel in the General Management Area zoned Commercial Recreation. The GG-CR district allows commercially-owned, resource based recreation uses such as this [MCC .3754(B)(1)] as conditional uses. The property currently has a small bait and tackle shop in a building that would be removed if this request is granted. No outside modification of the triplex is proposed, with the exception of a deck addition.

### **B. Site and Vicinity Characteristics:**

This 6.32 acre parcel is located on the north side of Tumalt Road in the community of Dodson. The site is bounded on the north by the Columbia River, on the south by the Union Pacific Rail-



road, on the east by a 21.53 acre parcel owned by the US Forest Service, and on the west by four parcels ranging in size from 2.42 to 6.0 acres. Two of the four parcels are developed with single family residences. The property is developed with a single family residence, a triplex, a storage building, bait and tackle shop, storage area for vehicles and boat trailers, and a boat ramp.

### **C. Compliance with Ordinance Criteria:**

#### **A. Scenic Resources**

This property is in a River Bottomlands landscape setting and visible from several Key Viewing Areas. As such, the proposal must satisfy the standards of MCC .3814(C)(7).

The proposed conversion will not change the size and height of the triplex. The existing earth tone color of the structure will be retained. No vegetative screening will be removed as a result of the proposed development.

The applicant does not show exterior lighting on the proposed site plan. Exterior lighting would need to be controlled so as not to contrast with the surrounding landscape as seen from any Key Viewing Area.

#### **Conclusion:**

The subject parcel is located in a River Bottomlands landscape setting. The proposed bait and tackle shop would not change the landscape setting of the surrounding area. Portions of the triplex are currently seen from several key viewing areas, but the only exterior modification, the addition of the deck, will be virtually unseen. The proposed conversion would not adversely affect scenic resources in the Scenic Area if:

- (1) Any repainting were of a natural or earth-tone color,
- (2) Any reroofing were a dark earth-tone color,
- (3) Exterior lighting were controlled, and
- (4) The maximum possible amount of existing vegetation was retained.

#### **B. Cultural Resources**

Thomas Turck, archaeologist with the U.S.D.A. Forest Service, National Scenic Area Office indicates that existing triplex is not eligible for the National Register of Historic Places; therefore, the cultural review process is satisfied.

The Oregon State Historic Preservation Office was notified of the request and submitted comment indicating that the existing cultural resources are not eligible for listing in the National Register of Historic Places; therefore, the project would have no effect on cultural resources.

MCC .3818(L) requires cessation of work and notification of the Planning Director and the Gorge Commission within twenty-four hours should a cultural resource be discovered during the course of the project.

**Conclusion:**

The proposed development would not affect known cultural resources. To protect unknown cultural resources, the applicant is required to immediately cease work and notify the Planning Director and the Gorge Commission in the event that cultural resources are inadvertently discovered during construction activity.

**C. Recreation Resources**

The proposed development is a commercial use which supports recreational fishing. The property is in Recreation Intensity Class 4. No expansion of the current recreational use of the property would result from this project.

**Conclusion:**

The proposed development would not adversely affect recreation resources within the Scenic Area.

**D. Natural Resources**

Maps provided by the Gorge Commission indicate that:

1. No sensitive, threatened and endangered plant or animal species have been identified on the subject property.
2. No known natural areas, endemic plant species or sensitive wildlife areas have been identified in the subject area.
3. The site is not used as winter range by deer or elk.
4. The property is not within a wetland.

**Conclusion:**

The proposed development would not adversely affect any natural resources.

Signed January 10, 1994

Larry Epstein, Hearings Officer

This Staff Report and recommendation was available on December 30, 1993, seven days before January 3, 1994 public hearing scheduled before Larry Epstein County Hearings Officer. The Hearings Officer may announce a decision on the item (1) at the close of the hearing; (2) upon continuance to a date and time certain; or (3) after the close of the record following the hearing.

A written decision is usually mailed to all parties and filed with the Clerk of the Board within ten days a decision by the Hearings Officer is announced.

<b>Signed by the Hearings Officer:</b>	<b>January 10, 1994</b>
<b>Decision Mailed to Parties:</b>	<b>January 14, 1994</b>
<b>Decision Submitted to Board Clerk:</b>	<b>January 14, 1994</b>
<b>Last day to Appeal Decision:</b>	<b>January 24, 1994</b>
<b>Reported to Board of County Commissioners:</b>	<b>January 25, 1994</b>

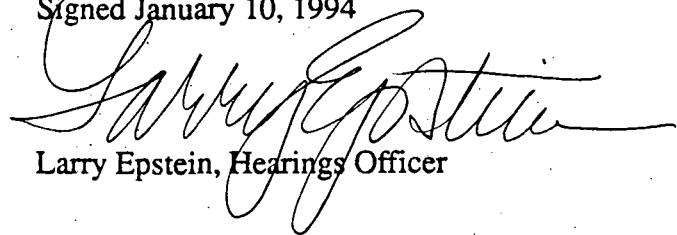
#### **Appeal to the Board of County Commissioners**

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Signed January 10, 1994



Larry Epstein, Hearings Officer

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<b>Last day to Appeal Decision:</b>	<b>January 24, 1994</b>
<b>Reported to Board of County Commissioners:</b>	<b>January 25, 1994</b>

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MEETING DATE: January 25, 1994

AGENDA NO: D-3

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: ZC 1-94/LD 34-93 HO Decision

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING: Date Requested: January 25, 1994

Amount of Time Needed: 2 Minutes

DEPARTMENT: DES DIVISION: Planning and Development

CONTACT: R. Scott Pemble TELEPHONE #: 3182

BLDG/ROOM #: 412/103

PERSON(S) MAKING PRESENTATION: Planning Staff

ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION ☒ APPROVAL [ ] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

ZC 1-94/LD 34-93 Review the Decision of the Hearings Officer of January 3, 1994, approving, subject to conditions, zone change request and 3-lot land division, all for property located at 12414 SE Harold Street.

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1994 JAN 18 AM 9:15

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

OR

DEPARTMENT MANAGER: 

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222



# MULTNOMAH COUNTY OREGON

DIVISION OF PLANNING & DEVELOPMENT/2115 S.E. MORRISON/PORTLAND, OREGON 97214

## DIVISION OF PLANNING AND DEVELOPMENT

### Board Planning Packet Check List

File No. 20194 SD3493

☒ Agenda Placement Sheet

No. of Pages 1

☒ Case Summary Sheet

No. of Pages 1

☐ Previously Distributed

\_\_\_\_\_

☐ Notice of Review

No. of Pages \_\_\_\_\_

\*(Maybe distributed at Board Meeting)

☐ Previously Distributed

\_\_\_\_\_

☒ Decision

No. of Pages 18

(Hearings Officer/Planning Commission)

☐ Previously Distributed

\_\_\_\_\_

\*Duplicate materials will be provided upon request.  
Please call 2610.

(CL/1)



BOARD HEARING OF January 25, 1994

TIME 1:30 p.m.

CASE NAME Zone Change & 3-Lot Land Division

NUMBER ZC 1-94/LD34-93

1. Applicant Name/Address

Floyd and Dorothy Bates  
12414 SE Harold Street,  
Portland, OR 97236

2. Action Requested by applicant      Zone Change, LR-10 to LR-5  
3-Lot Land Division

**ACTION REQUESTED OF BOARD**

- ☒ Affirm Plan.Com./Hearings Officer
- ☐ Hearing/Rehearing
- ☐ Scope of Review
  - ☐ On the record
  - ☐ De Novo
  - ☐ New Information allowed

3. Planning Staff Recommendation

Approval With Conditions

4. Hearings Officer Decision:

Approved With Conditions As Recommended By Staff

5. If recommendation and decision are different, why?

The recommendation and decision are the same

**ISSUES**

*(who raised them?)*

No issues were raised. No one appeared or testified except the applicant..



**Department of Environmental Services  
Division of Planning and Development  
2115 S.E. Morrison Street  
Portland, Oregon 97214 (503) 248-3043**

**Decision**

**This Decision consists of Conditions, Findings of Fact and Conclusions.**

**January 3, 1994**

**ZC 1-94, #426  
LD 34-93, #426**

**LR-5, Urban Low Density Residential District  
3-Lot Land Division**

Applicant requests amendment of Sectional Zoning Map #421, changing that portion of the subject site identified as Lots 2 and 3 from LR-10, Low Density Residential (min. 10,000 sq. ft. per dwelling) to LR-5, Low Density Residential (min. 5,000 sq. ft. per dwelling). Applicant also requests Type I land division approval to divide the site into three lots.

**Location:** 12414 SE Harold Street

**Legal:** Tax Lot 1300, Map 1S 2E 14CB

**Site Size:** .84 Acre

**Property Owners:** Floyd and Dorothy Bates  
12414 SE Harold Street, Portland, OR 97236

**Applicant:** Floyd and Dorothy Bates  
12414 SE Harold Street, Portland, OR 97236

**Comprehensive Plan:** Low Density Residential

**Present Zoning:** LR-10, Low Density Residential District (min. lot size, 10,000 sq. ft.)

**Proposed Zoning:** (Lots 2 & 3) LR-5, Low Density Residential District (min. lot size, 5,000 sq. ft.)

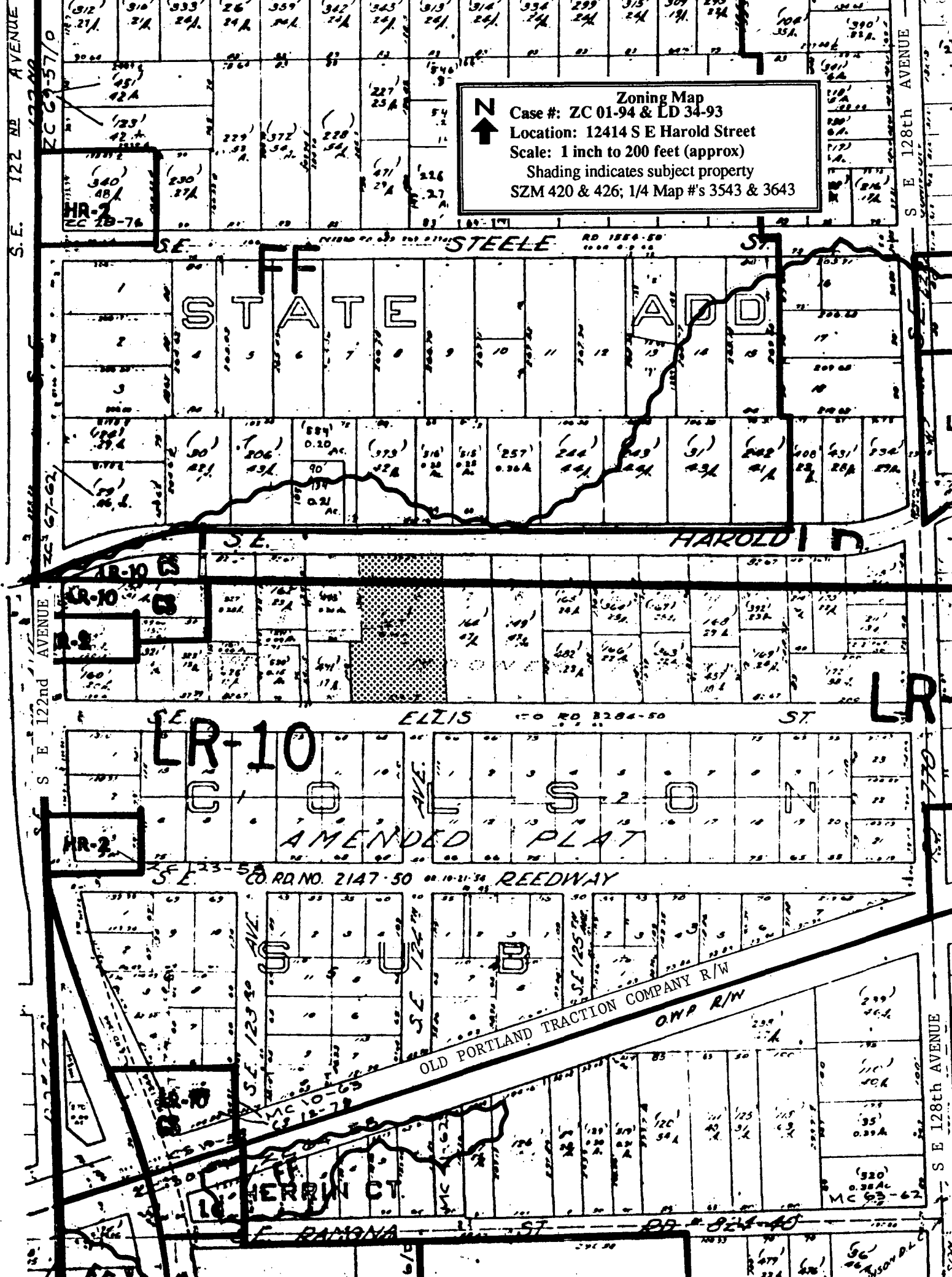
**Hearings Officer**

**Decision #1:** Approve, subject to conditions, amendment of Sectional Zoning Map #421, for Lots 2 and 3 from LR-10 (min. 10,000 sq. ft.) to LR-5, Low Density Residential District (min. 5,000 sq. ft.), based on the following Findings and Conclusions.

**Decision #2:** Approve, subject to conditions, the requested 3-lot land division in accordance with the provisions of MCC 11.45.080(D), based on the following Findings and Conclusions.

**ZC 1-94/ LD 34-93**





**Zoning Map**  
Case #: ZC 01-94 & LD 34-93  
Location: 12414 S E Harold Street  
Scale: 1 inch to 200 feet (approx)  
Shading indicates subject property  
SZM 420 & 426; 1/4 Map #'s 3543 & 3643



FLOYD E. / DOROTHY M. BATES

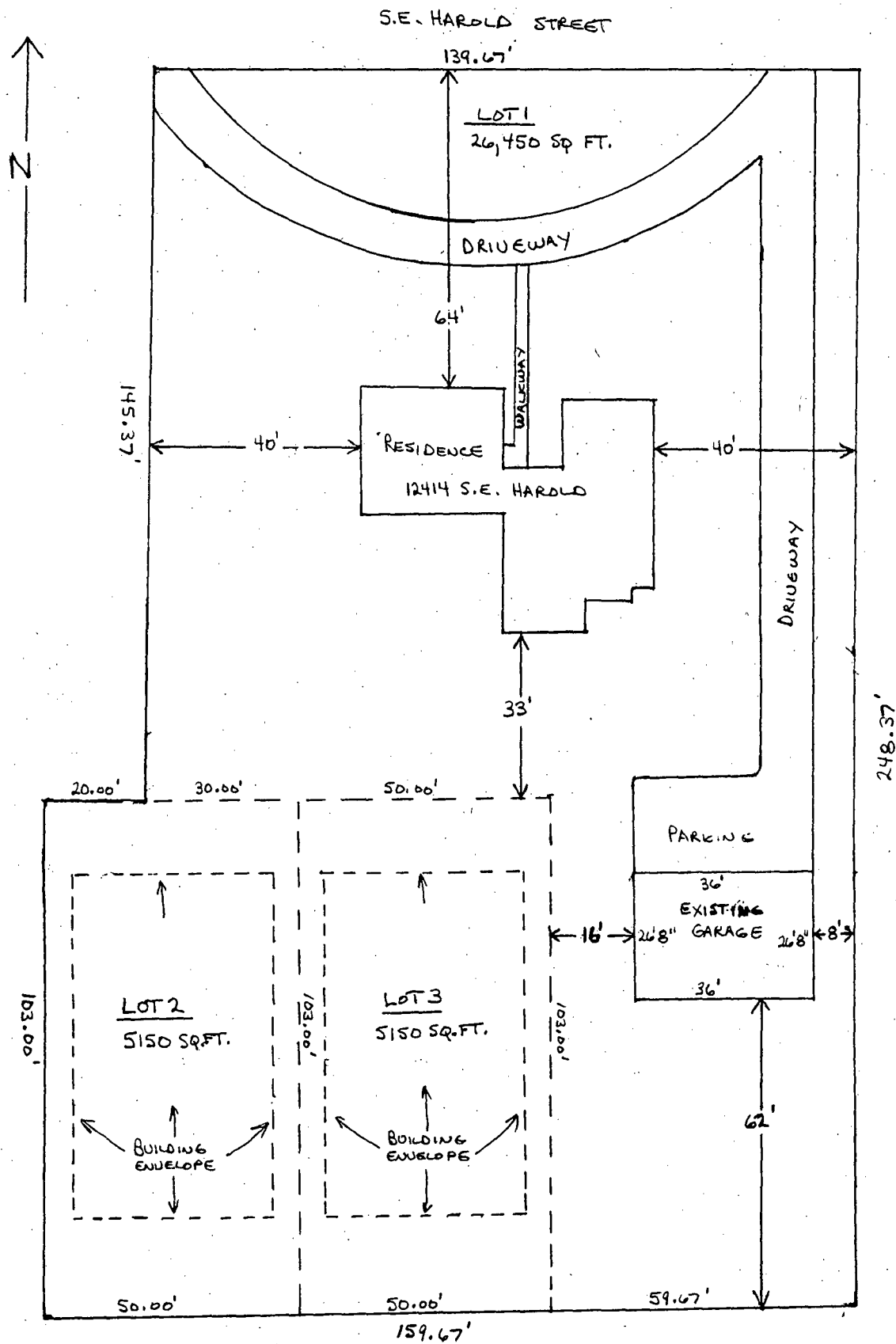
TAX LOT 1300 S14 IS 2E MULT. CTY.

12414 S.E. HARDLD

PORTLAND, OREGON 97236

TENTATIVE PLAN MAP

SCALE 1" = 20.00'



S.E. ELLIS STREET

ZC 1-94 / LD 34-93

## Conditions Of Approval

1. Approval of this Tentative Plan shall expire **one year** of the effective date of this decision unless either the partition plat and other required attachments are delivered to the Planning and Development Division of the Department of Environmental Services or an extension is obtained from the Planning Director pursuant to MCC 11.45.420. The partition plat shall comply with ORS Chapter 92 as amended. Please obtain applicant's and surveyor's *Instructions for Finishing a Type I Land Division*. Make the following revision to the partition plat:
  - A. On the face of partition plat, indicate the boundaries of the 100-year floodplain and indicate the 100-year flood elevation on the subject property. Place a note on the face of the plat that the part of the site east of that elevation line is within the 100-year floodplain of Johnson Creek, as required by MCC 11.45.690(D).
  - B. Amend the face of the plat to state that approval of this land division neither guarantees the ability to build dwellings on any lot nor constitutes approval to build a dwelling on any lot. Compliance with all applicable zoning standards is required before a building permit is approved, including but not limited to standards relating to solar access, flood hazard areas and yard setback.
2. *Before recording the final partition plat*, comply with the Transportation Division requirement to commit to participate in future improvements on SE Harold through deed restrictions. Contact Ike Azar at 248-5050 for additional information.
3. *Before the Planning Director signs the partition plat*, comply with the Transportation Division requirement to make the following improvements within the public right-of-way of SE Ellis Street:
  - A. Construct a concrete curb extending from the end of the present curb to the easterly edge of the subject from centerline along the entire frontage of the subject property.
  - B. Construct a concrete sidewalk 5 feet wide between the curb and the front property line of the subject property.
4. *Before issuance of building permits* obtain a Floodplain Development Permit, in accordance with MCC 11.15.6307, for any building site shown on the partition plat as being within the 100-year floodplain.
5. On a **copy** of the partition plat, show the building envelopes for all vacant lots after allowing for all required yard setbacks.

### Decision Format

This Decision addresses two requested actions: first, a request for a Zone Change from LR-10, Low Density Residential District to LR-5, Low Density Residential District. The second request is for approval of a Land Division to divide the subject site into 3 parcels. Following immediately below are the Findings of Fact for the Zone Change. The Conclusions for the Zone Change are on Page 13. The Findings of Fact for the Land Division request begin on Page 14. The Conclusions for the Land Division begin on Page 18.

### Findings Of Fact (ZC 1-94)

NOTE: Quoted material from the applicant's submittal appears in *Italic* type. Staff responses to statements by the applicant appear under the heading **Staff Comment**. Ordinance language appears in **Bold Italic** type.

1. **Applicant's Proposal**

**The Request:** The applicant proposes to subdivide land containing 36,590 square feet into 3 lots as shown on the Tentative Plan Map. Lot 1 has an existing single-family house and a detached garage, and would contain 26,450 square feet. Lots 2 and 3 are vacant and would each contain 5,150 square feet. In order to create Lots 2 and 3, the applicant also requests a zone change from LR-10 to LR-5, Low Density Residential District for the portion of the site that will become Lots 2 and 3.

2. **Site Conditions and Vicinity Information:** Site conditions as shown on the Tentative Plan Map are as follows:

- A. The site abuts the south side of SE Harold Street and the north side of SE Ellis Street, and is about two blocks east of SE 122nd Avenue. The south edge of the site is opposite the intersection of SE 124th Avenue and Ellis Street.
- B. **Slope:** The site is relatively flat and has no slopes exceeding 10 percent.
- C. **Street Improvements (SE Ellis Street):** The site abuts SE Ellis Street, which has a curb along all but about the easterly 15 feet of the frontage of the site. There is no sidewalk along the frontage of the site. The County Engineer has determined that in order to comply with the provisions of the Street Standards Ordinance (MCC 11.60) it will be necessary to continue the existing curb to the east edge of the site and build a sidewalk along the full width of the subject site. The improvements are conditions of approval.
- D. **Future Street Improvements (SE Harold Street):** Harold Street is not improved to county standards at this time. The County Engineer has determined that in order to comply with the provisions of the Street Standards Ordinance (MCC 11.60 ) it will be necessary for the owner to commit to participate in future improvements to Harold Street through deed restrictions as condition of approval.

3. **Zone Change Considerations [MCC 11.15.8230(D)]:**

- A. The existing LR-10 zoning requires a minimum lot area of 10,000 square feet for a residence. The requested LR-5 zoning has a minimum lot size of 5,000 square feet and would make possible the division of the site into the 19 lots shown on the Tentative Plan Map.
- B. Under MCC 11.15.8230 (D) lists approval criteria for a zone change. The burden of proof is on the applicant to demonstrate that:
  - (1) ***Granting the request is in the public interest; [MCC 11.15.8230 (D)(1)]***
  - (2) ***There is a public need for the requested change and that need will be best served by changing the classification of the property in question as compared with other property; [MCC 11.15.8230 (D)(2)]***
  - (3) ***The proposed action fully accords with the applicable elements of the Comprehensive Plan. [MCC 11.15.8230 (D)(1)]***

#### 4. Response to Zone Change Approval Criteria

##### A. Public Interest [MCC 11.15.8230 (D)(1)]

**Applicant's Response:** *"The subject property is in an area defined by the Powellhurst Community Plan as a "Residential Development Area" or "Infill Area" because it is a partially developed area where new development will occur over time. (Powellhurst Community Plan, page Z12, Finding 8.A) Location Criterion #5 of Policy 24 (page 215) states: "Detached dwellings will be allowed as an outright use in Residential Development Areas. The minimum lot size per unit must be 5,000 square feet." This meets the public interest as established in the aforementioned County Framework and Powellhurst Community Plans.*

*The proposed density would be 6.6 units per acres, which is within the recommended 6-10 units/acre for low density residential infill (locational Criterion #4, Policy 24, Powellhurst Community Plan, p. 214). It is obvious that increasing the number of units per lineal foot of road improvement will decrease the per lot cost of such services/improvements. Lower development costs mean more affordable housing prices.*

*In summary, this zone change would be in the public interest because it enables the development of the properties in better conformity to the Powellhurst Community Plan and provides more, and more affordable, housing within that framework than would the development under the existing zoning on this particular parcel."*

**Staff Comment:** Staff concurs with the applicant's statements. The zone change satisfies MCC 11.15.8230 (D)(1).

##### B. Public Need [MCC 11.15.8230 (D)(2)]

**Applicant's Response:** *"The requested zone change would allow twice the number of residential lots than the present LR-10 zoning. Policy No. 21, Housing Choice, of the Multnomah County Comprehensive Framework Plan directs the County to provide for "... an adequate number of housing units at price ranges and rent levels commensurate with the financial capabilities of Oregon and the region's households, and to allow for flexibility in housing location, type and density." The smaller lots size which LR-5 permits should help contribute to affordability by reducing land cost as a housing cost factor.*

*Clearly, a change in the current zoning from LR-10 to LR-5 is consistent with the County's goal of supporting more affordable housing, and thus also serves the public need. The Powellhurst Community Plan recognized the exponential growth of Portland through the year 2000. "Using a fair share approach based on projected housing need and vacant buildable land, Powellhurst should provide about 4,390 new dwelling units by the year 2000....There is about 487.8 acres of vacant land in the community that can be developed for residential use."(;; 39-40). When multiplied out, this results in approximately 4,840 square feet per dwelling. Clearly, then, the re-zoning of this parcel from LR-10 to LR-5 matches the forecasted demand precisely and therefore serves the public need."*

**Staff Comment:** Staff concurs with the applicant's statements. The proposed zone change satisfies MCC 11.15.8230 (D)(2)

##### C. Applicable Elements of the Comprehensive Plan

- (1) **Statewide Goals and Regional Plan:** The Multnomah County Comprehensive Plan has been found to be in compliance with Statewide Goals and

the Regional Plan by the State Land Conservation and Development Commission. To the extent that the proposal satisfies the applicable policies of the Comprehensive Plan, the proposal is also consistent with statewide goals and the regional plan.

- (2) **Applicable Comprehensive Plan Policies:** The following Comprehensive Plan Policies are applicable to the proposal.

(a) **No. 2 - Off-Site Improvements**

**Applicant's Response:** *"There is no anticipated negative impact on surrounding properties related to development of this parcel. Air, noise and water pollution are not likely to be significant factors (see Policy No. 13). The lots are of a size that allow off-street parking for at least two vehicles. Aesthetically, new homes in this area could certainly improve the visual aspect. No safety hazards are expected to arise as a result of this partition."*

**Staff Comment:** Staff concurs with the applicant's statements. The proposal satisfies Policy 2.

(b) **No. 6A - Growth Management (Powellhurst Plan)**

The site is within the area covered by the Powellhurst Community Plan. The Powellhurst Community Plan is part of the Multnomah County Comprehensive Framework Plan and constitutes an official element of that plan. Powellhurst Community Plan Policy 6A addresses Growth Management and states that:

*It is the policy of the County that the area from Boise Street to the Portland Traction Company Line and from S. E. 103rd to S. E. 142nd Avenue will be designated a growth management area in which the following standards will apply:*

*A. The adopted Community Plan map is the long term plan for the area.*

*B. The zoning categories will not be changed at this time to implement the plan. Zone changes will be granted only after an individual application and hearing or as a result of a more detailed County study of the area's problems and the development of solutions to those problems.*

*C. In granting zone changes the approval authority shall consider the following:*

*1. Whether a sanitation permit for sub-surface sewage disposal will be approved.*

**Applicant's Response:** *"A sanitation permit for subsurface disposal will not be required because sewer is to be installed in early 1994 according to the Mid County Sewer Project. This is supported by the attached statement by the Mid County Sewer Project. Nevertheless, should subsurface disposal be necessary for some reason, the subject parcel is in an area deemed to have only 'slight' limitations for subsurface disposal per Powellhurst Community Plan."*

**Staff Comment:** Staff concurs with the applicant's statement. Mid-County Sewer Project staff has verified that public sewer is available to Lots 2 and 3 from a 6-inch line in Ellis Street. No subsurface sewage disposal is necessary.

**2. The impact of the development on the flooding problem along Johnson Creek.**

**Applicant's Response:** *"Since only a portion of the subject property is in close proximity to flood fringe "B" and no water ever sits or flows on the property and no substantial fill will occur, there will be negligible, if any, effect on the flooding problem along Johnson Creek which, at its nearest point is approximately a mile from the subject parcel."*

**Staff Comment:** Staff concurs with the applicant's statement. The portion of the site that is in flood fringe zone "B" (FEMA Flood Insurance Rate Map Panel #410179-381B, pub. 3-18-86) is the northerly part of the site, and does not include the zone change site, which consists of Lots 2 and 3.

**3. The impact of the development on localized flooding and drainage**

**Applicant's Response:** *"There is no standing or running water on this parcel at any time of the year. Residential construction will not create any hills or obstructions that would block water drainage. The soil is fairly rocky, and drainage is thus very good. Each building lot would have a local drywell to compensate for roof runoff."*

**Staff Comment:** Part of the site, primarily Lots 2 and 3 are within zone "B" of the 100-year flood plain of Johnson Creek as shown on Flood Insurance Rate Map of the Federal Emergency Management Agency [(Community Panel #410179-0381-B, (revised 3-18-86)]. That map indicates that the base flood elevation is about 211 feet at a point on the north side of Harold Street across from the site. According to County topographic information, the ground elevation for the existing house on Lot 1 is about 212 feet, and the elevation of Lots 2 and 3 appears to range between 213 and 214 feet. The Flood Hazard standards in the County Zoning Ordinance require the finished floor of a residence to be one foot above the base flood elevation [MCC 11.15.6315(B)]. Obtaining of a Floodplain Development Permit is required by MCC 11.15.6307 if a building site is below the base 100-year flood level. Based on the information cited above, the site does not appear to be subject to the Floodplain Development Permit requirement. All runoff created by development of the property will be required to be disposed of on-site without running onto adjacent streets. There should be no impact on either localized flooding, or flooding along Johnson Creek.

**(c) No. 13 - Air and Water Quality and Noise Levels**

**Applicant's Response:** *"The development of single family homes in an LR-5 configuration should have no significant impact on air pollution. Sewer service will be available and is scheduled for construction along S. E. Harold St. and S. E. Ellis St. in early 1994. Septic and other on-site*

*sanitary systems therefore are unnecessary. Separate drywells would be installed for each lot to handle other (rainwater) drainage. Normal sounds of household activities should not pose a significant noise impact."*

**Staff Comment:** For the reasons stated by the applicant, the proposal satisfies Policy 13.

(d) **No. 14 - Development Limitations**

**Applicant's Response:** *"This site is outside the 100 year flood zone. Surface runoff would be handled by appropriate drywells installed with each dwelling unit, commensurate with the square footage of ground covered. Erosion does not present a problem in this location."*

**Staff Comment:** Compliance with the floodplain development permit standards, if applicable, will mitigate any adverse impact that might otherwise occur due to the site's proximity to the floodplain. The proposal satisfies Policy 14.

(e) **No. 16 - Natural Resources**

**Staff Comment:** There are no known mineral and aggregate sources, energy resource areas, domestic water supply watersheds, fish or wildlife habitat areas, or ecologically and scientifically significant natural areas on the site. Policy 16 is not applicable.

(f) **No. 22 - Energy Conservation:**

**Applicant's Response:** *"This proposal will develop a parcel within the County's urban area. This will help reduce "urban sprawl" which is high in energy use. The subject parcel is located near local mass transit systems such as Tri-Met bus lines on S. E. 122nd and S. E. Harold St. There are well-developed routes to the I-205 interchanges at S. E. Foster Rd, S. E. Powell Rd and S. E. Division St. MAX light rail is available by bus or by car with a Park and Ride facility at S. E. 122nd St. and Burnside Rd."*

**Staff Comment:** Staff concurs with the applicant's statements. The proposal satisfies Policy 22.

(g) **No. 24 - Housing Location**

**Applicant's Response:** **"SCALE:**  
*The proposed site development at LR-5 would meet the scale standards of a Minor Residential Project, with an expected population increase of 45 at 2.25 persons average per dwelling unit added.(p. 41, Powellhurst Community Plan) The impact on the surrounding area and its support system is expected to be minimal.*

**LOCATION CRITERIA:**

**A. Access:** *The configuration of the lots on S. E. Ellis provide for plenty of off-street parking. The relative simplicity of the layout suggests negligible impact on traffic congestion and turning movements. There is, from all lots direct access to a public street.*



**B. Site Characteristics:** *The site is of a size and shape which can reasonable accommodate the proposed and future allowable uses in a manner which is consistent with user convenience and energy conservation.*

**C. Impact On Adjacent Lands:** *The proposed scale is consistent with recent developments in the general area. Several lots on S. E. Ellis St are partitioned with less than 6,000 sq. feet. In addition, three (3) blocks to the South of subject property is zoned LR-5. Thus, it appears that development of this parcel is consistent with the trend in this neighborhood."*

**Staff Comment:** Staff concurs with the applicant's statements. The proposal satisfied Policy 24.

(h) **No. 35, Public Transportation**

**Applicant's Response:** *"The proposed partition supports the County's transportation criteria by increasing urban density in areas already well served by public transport. Tri-Met Bus provides service on both S. E. 122nd Avenue and S. E. Harold Street."*

**Staff Comment:** Staff concurs with the applicant's statement. In fact, there is a bus stop for Line #10 on Harold Street at the northeast corner of the site. The proposal satisfies Policy 35.

(i) **No. 36, Transportation System Development Requirements:**

**Staff Comment:** The County Engineer has determined that improvements along Ellis Street adjacent to the site are necessary in order for the proposal to comply with the provisions of the Street Standards Ordinance (MCC 11.60). The improvements are detailed in Condition 3) above, and include curbs along approximately the east 15 feet of the site and sidewalks along the full width of the site. The owner will be required to commit to future improvements of SE Harold Street through deed restrictions as a condition of approval.

(j) **No. 37 - Utilities** This policy requires a finding that the water, sanitation, drainage and communication facilities are available as follows:

**Water And Disposal System**

**A.** *The proposed use can be connected to a public sewer and water system, both or which have adequate capacity; or*

**B.** *The proposed use can be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or*

**C.** *There is an adequate private water system, and the DEQ will approve a subsurface sewage disposal system on the site; or*

*D. There is an adequate private water system, and a public sewer with adequate capacity.*

**Drainage**

*E. There is adequate capacity in the storm water system to handle the run-off; or*

*F. The water run-off can be handled on the site or adequate provisions can be made; and*

*G. The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjoining lands.*

**Energy and Communications**

*H. There is an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and*

*I. Communications facilities are available.*

The proposal meets Policy 37 for the following reasons:

**Water and Sanitation:**

**Staff Comment:** The Powell Valley Road Water District has confirmed that public water service is available to Lots 2 and 3 from a 4-inch line in Ellis Street. The existing house on Lot 1 is served from a line in Harold Street. The office of the Mid County Sewer Project has confirmed that a 6-inch public sewer line in Ellis Street will be complete and available to Lots 2 and 3 in 1994. The proposal complies with Item A of Policy 37.

**Drainage:**

**Staff Comment:** Construction of appropriate on-site storm drainage facilities, such as drywells, can be achieved through accepted engineering practices. The proposal satisfies Item of Policy 37.

**Energy and Communication:** Portland General Electric provides electric power and US West provides telephone service. The proposal satisfies Items *H* and *I* above.

(l) **No. 38 - Facilities**

**Staff Comment:** The property is located in the David Douglas School District, which has states that there is "some crowding at the elementary level" but no crowding at the middle and high school level. The school district has indicated that some attendance boundary changes may be necessary in the future to deal with elementary school crowding. The Portland Fire Bureau provides fire protection and has confirmed that there is adequate water pressure and flow for fire fighting purposes. The Multnomah County Sheriff's Office provides police protection and has

stated that there is an adequate level of police service available for the area. The proposal satisfies Policy 38.

(m) **Policy 40 - Development Requirements:** This policy requires a finding that:

*A. Pedestrian and bicycle path connections to parks open space areas and community facilities will be dedicated when appropriate and where designated in the Bicycle Corridor Capital Improvements Program and Map.*

*B. Landscaped areas with benches will be provided in commercial, industrial and multiple family developments, where appropriate.*

*C. Areas for bicycle parking facilities will be required in development proposals, where appropriate.*

**Applicant's Response:** *"The subject parcel lies outside the Bicycle Corridor Capital Improvements Area, and this is basically single family residential development. Consequently, provisions of this policy do not apply to this partition proposal."*

**Staff Comment:** Staff concurs with the applicant's statements. Policy 40 is not applicable.

**Conclusions: (ZC 1-94)**

1. Findings 4.A through 4.C demonstrate that the proposed zone change meets the general zone change Approval Criteria of the Zoning Ordinance as stated in MCC 11.15.8230 (D).
3. Finding 4.C(2)(b) demonstrate that the proposed zone change meets the special Powellhurst Community Plan zone change approval criteria stated in Powellhurst Plan Policy 6.A.

## Findings Of Fact (LD 34-93)

1. **Applicant's Proposal:** See Finding 1 for ZC 1-94.
2. **Site Conditions and Vicinity Information:** See Finding 2 for ZC 1-94.
3. **Land Division Ordinance Considerations (MCC 11.45)**
  - A. The proposed land division is classified as a Type I because it is "[A] . . . *partition associated with an application affecting the same property for any action proceeding requiring a public hearing . . .*" [MCC 11.45.080(D)]. The proposed land division is associated with an application to change the zone of the subject site from LR-10 to LR-5. This Decision addresses the zone change application under Decision # 1 (ZC 2-93. The proposal is also a Type I because it is an Urban Area subdivision of more than ten lots [MCC 11.45.080(A)].
  - B. MCC 11.45.230 lists the approval criteria for a Type I Land Division. The approval authority must find that:
    - (1) *The Tentative Plan is in accordance with:*
      - a) *the applicable elements of the Comprehensive Plan;*
      - b) *the applicable Statewide Planning Goals adopted by the Land Conservation and Development Commission, until the Comprehensive Plan is acknowledged to be in compliance with said Goals under ORS Chapter 197; and*
      - c) *the applicable elements of the Regional Plan adopted under ORS Chapter 197.* [MCC 11.45.230(A)]
    - (2) *Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances;* [MCC 11.45.230(B)]
    - (3) *The Tentative Plan or Future Street Plan complies with the applicable provisions, including the purposes and intent of this Chapter;* [MCC 11.45.230(C)]
    - (4) *The Tentative Plan or Future Street Plan complies with the Zoning Ordinance or a proposed change thereto associated with the Tentative Plan proposal;* [MCC 11.45.230(D)]
    - (5) *If a subdivision, the proposed name has been approved by the Division of Assessment and Taxation and does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Multnomah County, except for the words "Town", "City", "Place", "Court", "Addition" or similar words, unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed;* [MCC 11.45.230(E)]

- (6) *The streets are laid out so as to conform, within the limits of the Street Standards Ordinance, to the plats of subdivisions and maps of major partitions already approved for adjoining property unless the approval authority determines it is in the public interest to modify the street pattern; [MCC 11.45.230(F)] and*
- (7) *Streets held for private use are clearly indicated on the Tentative Plan and all reservations or restrictions relating to such private streets are set forth thereon. [MCC 11.45.230(G)]*
- (8) *Approval will permit development to be safe from flooding and known flood hazards. Public utilities and water supply systems shall be designed and located so as to minimize or prevent infiltration of flood water into the systems. Sanitary sewer systems shall be designed and located to minimize or prevent:*
  - (a) *The infiltration of floodwater into the system; and*
  - (b) *The discharge of matter from the system into flood waters [MCC 11.45.230(H)]*

4. **Response to Type I Land Division Approval Criteria**

A. **Applicable Elements of the Comprehensive Plan**

See Finding 4.C for ZC 1-94.

B. **Development of Property [MCC 11.45.230(B)]:**

**Staff Comment:** Pending approval of the proposed zone change, approval of the land division will increase the opportunity for development of Lots 2 and 3 in accordance with the Comprehensive Plan and the LR-5 zoning. Approval of the current proposal will not affect access to or development of adjacent properties because those adjacent properties have access to abutting public streets and can be developed or redeveloped independently of the land division currently under consideration.

C. **Applicable Provisions of Land Division Ordinance [MCC 11.45.230(C)]**

**Staff Comment:**

- (1) MCC 11.45.015 states that the Land Division Ordinance. . . "*is adopted for the purposes of protecting property values, furthering the health, safety and general welfare of the people of Multnomah County, implementing the Statewide Planning Goals and the Comprehensive Plan adopted under Oregon Revised Statutes, Chapters 197 and 215, and providing classifications and uniform standards for the division of land and the installation of related improvements in the unincorporated area of Multnomah County.*" The proposed land division satisfies the purpose of the Land Division Ordinance for the following reasons:
  - (a) The size and shape of the proposed parcels meet the area and dimensional requirements of the requested LR-5 zoning designation. As designed, the

lots are adequate to accommodate single-family residences that satisfy yard setback, height, lot coverage and solar access requirements in the LR-5 zone without the need for variances from those setback, height, lot coverage and solar access requirements. Under these circumstances, overcrowding will not occur.

- (b) The finding for Plan Policies 37 and 38 address water supply and sewage disposal, and education, fire protection and police protection, respectively. For the reasons stated in those findings, the proposal furthers the health, safety, and general welfare of the people of Multnomah County.
  - (c) The proposed land division complies with the applicable elements of the Comprehensive Plan. The State Land Conservation and Development Commission has found the Comprehensive Plan to be in compliance with Statewide Planning Goals.
  - (d) The proposal meets the purpose of *"providing classifications and uniform standards for the division of land and the installation of related improvements"* because the proposal is classified as a Type I Land Division and meets the approval criteria for Type I Land Divisions for the reasons stated in these findings. The conditions of approval assure the installation of appropriate improvements in conjunction with the proposed land division.
- (2) MCC 11.45.020 states that the intent of the Land Division Ordinance is to . . . *"minimize street congestion, secure safety from fire, flood, geologic hazards, pollution and other dangers, provide for adequate light and air, prevent the overcrowding of land and facilitate adequate provisions for transportation, water supply, sewage disposal, drainage, education, recreation and other public services and facilities."*
- (a) The proposal minimizes street congestion by requiring improvements for Ellis Streets and by requiring deed restrictions to secure participation in future improvements to Harold Streets adjacent to the subject site.
  - (b) The findings for Plan Policies 37, 14 and 13 address fire protection, flood and geologic hazards, and pollution, respectively. For the reasons stated in those findings, the proposal would secure safety from fire, flood, geologic hazard, and pollution.
  - (c) The proposal meets the area and dimensional standards of the requested LR-5 zoning district as explained in Finding 4.D below. Residential development on newly created lots will be required to comply with applicable LR-5 setback, height, lot coverage and solar access requirements. In meeting those requirements, new development will provide for adequate light and air and prevents the overcrowding of land.
  - (d) The finding for Plan Policies 35 and 36 address streets and public transportation. The finding for Policies 37, 14 and 38 address water supply and sewage disposal, storm drainage, and education, fire protection and police service. For the reasons stated in those findings, the proposed land division facilitates adequate provision for public transportation, water

supply, sewage disposal, drainage, education, and other public services and facilities.

**D. Zoning Compliance [MCC 11.45.390(D)]:**

**Staff Comment:**

- (1) Subject to approval of ZC 2-93, Lots 2 and 3 will be zoned LR-5, Urban Low Density Residential District.
- (2) The following LR-5 area and dimensional standards apply per MCC 11.15.2634:
  - (a) The minimum lot size for a single family dwelling shall be 5,000 square feet. As shown on the Tentative Plan Map, Lots 2 and 3 exceed this requirement.
  - (b) The minimum lot width at the building line shall be 45 feet. As shown on the Tentative Plan Map, Lots 2 and 3 exceed this requirement.
  - (c) The minimum yard setbacks shall be 20 feet front, 5 feet side, and 15 feet rear. The building envelopes for Lots 2 and 3 as shown on the Tentative Plan Map indicate adequate room for single family residences that meet all setbacks.
  - (d) The proposed land division complies with the solar access provisions of the Zoning Ordinance. All three parcels meet the basic design standard of MCC 11.15.6815(A) because they each have a north-south dimension greater than 90 feet and a front lot line within 30 degrees of a true east-west orientation.
- (3) Lot 1 continues to be zoned LR-10, Urban Low Density Residential District. The following LR-10 area and dimensional standards apply per MCC 11.15.2572:
  - (a) The minimum lot size for a single family dwelling shall be 10,000 square feet. As shown on the Tentative Plan Map, Lot 1 exceeds this requirement.
  - (b) The minimum lot width at the building line shall be 70 feet. As shown on the Tentative Plan Map, Lot 1 exceeds this requirement.
  - (c) The minimum yard setbacks shall be 30 feet front, 10 feet side, and 20 feet rear. The existing house on Lot 10 exceeds all setback requirements. The existing house on Lot 1 exceeds all yard setbacks. The 8-foot side yard setback for the existing garage on Lot 1 is within the limits of MCC 11.15.2568(A)(4) which allows detached accessory buildings to occupy no more than 25% of a required yard.
  - (d) The maximum lot coverage shall be 35%. The lot coverage for existing house and garage on Lot 1 is less than 15%.

- E. Subdivision Name [MCC 11.45.230(E)]:** The proposed land division is not a subdivision because it does not result in four lots. Therefore, it will not have a name and MCC 11.45.230(E) is not applicable.

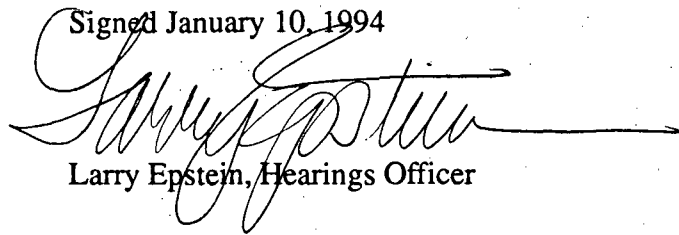
- F. **Street Layout [MCC 11.45.230(F)]:** No new streets are necessary or proposed. The new lots will Harold and Ellis Streets. Therefore, MCC 11.45.230(F) is not applicable.
- G. **Private Streets [MCC 11.45.230(G)]:** The proposed land division does not include any new private streets. The new lots will Harold and Ellis Streets. Therefore, MCC 11.45.230(F) is not applicable.
- H. **Flooding and Flood Hazards [MCC 11.45.230(H)]:** The criterion is not applicable because the site is not in a flood plain.
- H. **Flooding and Flood Hazards [MCC 11.45.230(H)]:** Sewer lines being constructed to serve the site must meet Mid-County Sewer Project specifications, and connections between sewer lines and individual residences must meet applicable plumbing codes. For these reasons and those stated in Finding 4C(2)(d) for ZC 1-94, and subject to the obtaining of Floodplain Development Permits as needed, the proposed land division satisfies MCC 11.45.230(H).

#### **Conclusions (LD 29-93)**

1. The land division satisfies applicable elements of the Comprehensive Plan.
2. The proposed land division satisfies the approval criteria for Type I land divisions.
3. Subject to Decision #1, the proposed land division complies with the Zoning Ordinance.



Signed January 10, 1994



Larry Epstein, Hearings Officer

<b>Signed by the Hearings Officer:</b>	<b>January 10, 1994</b>
<b>Decision Mailed to Parties:</b>	<b>January 14, 1994</b>
<b>Decision Submitted to Board Clerk:</b>	<b>January 14, 1994</b>
<b>Last day to Appeal Decision:</b>	<b>January 24, 1994</b>
<b>Reported to Board of County Commissioners:</b>	<b>January 25, 1994</b>

#### **Appeal to the Board of County Commissioners**

The Hearings Officer Decision may be appealed to the Board of County Commissioners (Board) by any person or organization who appears and testifies at the hearing, or by those who submit written testimony into the record. An appeal must be filed with the County Planning Division within ten days after the Hearings Officer decision is submitted to the Clerk of the Board. An appeal requires a completed "Notice of Review" form and a fee of \$300.00 plus a \$3.50-per-minute charge for a transcript of the initial hearing(s). [ref. MCC 11.15.8260(A)(1) and MCC 11.15.9020(B)]. Instructions and forms are available at the County Planning and Development Office at 2115 SE Morrison Street (in Portland).

Failure to raise an issue by the close of the record at or following the final hearing, (in person or by letter), precludes appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to provide specificity on an issue sufficient for the Board to respond, precludes appeal to LUBA on that issue.

To appeal the Hearings Officer decision, a "Notice of Review" form and fee must be submitted to the County Planning Director. For further information call the Multnomah County Planning and Development Division at 248-3043.

# 1

PLEASE PRINT LEGIBLY!

MEETING DATE 1-25-94

NAME LOUISE BEAUCHAMP

ADDRESS 10742 SW MOAPA

STREET

PORTLAND OR 97219

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # P-4 C12-93

SUPPORT \_\_\_\_\_ OPPOSE ✓

SUBMIT TO BOARD CLERK

#2

PLEASE PRINT LEGIBLY!

MEETING DATE

1/25/94

NAME

Robert Stoll

ADDRESS

01329 SW Palatine Hill Rd

STREET

Kottland

CITY

97219

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

C-12-93

SUPPORT

X

OPPOSE

SUBMIT TO BOARD CLERK

MEETING DATE: January 25, 1994

AGENDA NO: P-4

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: C 12-93 First Reading - Proposed Ordinance

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING: Date Requested: January 25, 1994

Amount of Time Needed: 30 Minutes

DEPARTMENT: DES

DIVISION: Planning

CONTACT: R. Scott Pemble

TELEPHONE #: 3182

BLDG/ROOM #: 412/103

PERSON(S) MAKING PRESENTATION: Bob Hall

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

C 12-93 A proposed Ordinance amending the R-20 and R-30 zoning districts by adding a definition of lot.

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

OR

DEPARTMENT MANAGER:

Betsy H. Williams

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

0516C/63

6/93



# MULTNOMAH COUNTY OREGON

DIVISION OF PLANNING & DEVELOPMENT/2115 S.E. MORRISON/PORTLAND, OREGON 97214

## DIVISION OF PLANNING AND DEVELOPMENT

### Board Planning Packet Check List

File No. C-12-93

☒ Agenda Placement Sheet

No. of Pages 1

☒ *Ordinance Fact Sheet*  
~~Case Summary Sheet~~

No. of Pages 1

☐ Previously Distributed \_\_\_\_\_

☐ Notice of Review

No. of Pages \_\_\_\_\_

\*(Maybe distributed at Board Meeting)

☐ Previously Distributed \_\_\_\_\_

☒ *Ordinance*  
~~Decision~~

No. of Pages 6

(Hearings Officer/Planning Commission)

☐ Previously Distributed \_\_\_\_\_

\*Duplicate materials will be provided upon request.  
Please call 2610.

(CL/1)

**BEFORE THE PLANNING COMMISSION  
FOR MULTNOMAH COUNTY**

In the Matter of Recommending Addition of )  
Definitions of Lot in the R-20 and R-30 )  
Zoning Districts )

**RESOLUTION  
C 12-93**

**WHEREAS,** The County has historically interpreted a lot in the R-20 and R-30 residential zoning districts to be each of the individual lots over 3,000 square feet in area, irrespective of ownership, within subdivisions platted prior to the adoption of zoning laws by the County in 1956;

**WHEREAS,** At the same time, the County has required all new land divisions within the R-20 and R-30 zoning districts to have minimum lot sizes of 20,000 and 30,000 square feet, respectively;

**WHEREAS,** The Board of County Commissioners considered such interpretation of a lot as inconsistent with the intent of the original zoning designation of the residential areas regulated by the R-20 and R-30 districts;

**WHEREAS,** On October 28, 1993, the Multnomah County Board of County Commissioners instructed the Planning Commission to consider a proposed amendment to the Zoning Code clarifying the intent of the minimum lot size provisions of the R-20 and R-30 zoning districts;

**WHEREAS,** The Planning Commission held hearings on December 6, 1993 and January 3, 1994 to receive public comment on the proposed amendments; and

**WHEREAS,** The Planning Commission found the proposed amendments equalize the manner in which lots created prior to and after enactment of MCC 11.15 are allowed to develop,

**NOW, THEREFORE BE IT RESOLVED** that the Ordinance entitled "An Ordinance amending the R-20 and R-30 residential zoning districts by adding a definition of lot," is hereby recommended for adoption, by the Board of County Commissioners.

Approved this 3<sup>rd</sup> day of January, 1994



Leonard Yoon, Chair  
Multnomah County Planning Commission

## ORDINANCE FACT SHEET

Ordinance Title: Definition of a Lot for the R-20 and R-30 Residential Zoning Districts

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored):

The Board asked the Planning Commission to consider an amendment of the R-20 and R-30 residential zoning districts clarifying the definition of a lot. The purpose was to remove the discrepancy between the amount of property required to build a house on newly subdivided lots (20,000 or 30,000 square feet) versus that allowed for pre-1956 subdivided lots (3,000 square feet) when an individual owns enough pre-1956 subdivided contiguous lots to more closely conform with the modern 20,000 or 30,000 square feet area minimums. 993 property owners were notified of the proposed amendment, only one of which indicated that they felt adversely effected by the change.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

The City of Portland has provisions very similar to the ones being proposed by this amendment.

What has been the experience in other areas with this type of legislation?

The County requires aggregation in many other zoning districts and has had no problems with enforcement.

What is the fiscal impact, if any?

This will neither create, nor consume revenue beyond that realized by the existing planning program.

(If space is inadequate, please use other side)

### SIGNATURES

Person Filling Out Form:

Bob Hall, Jr.

Planning & Budget Division (if fiscal impact):

Department Manager/Elected Official:

Betsy H. Will

## BEFORE THE BOARD OF COUNTY COMMISSIONERS

## FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. \_\_\_\_\_

An Ordinance amending the R-20 and R-30 residential zoning districts by adding a definition of lot.

Multnomah County Ordains as follows:

Section I. Findings.

(A) The County has historically interpreted a lot in the R-20 and R-30 residential zoning districts to be each of the individual lots over 3,000 square feet in area, irrespective of ownership, within subdivisions platted prior to the adoption of zoning laws by the County in 1956.

(B) At the same time, the County has required all new land divisions within the R-20 and R-30 zoning districts to have minimum lot sizes of 20,000 and 30,000 square feet, respectively.

(C) The Board of County Commissioners considered such interpretation of a lot as inconsistent with the intent of the original zoning designation of the residential areas regulated by the R-20 and R-30 districts.

(D) On October 28, 1993, the Multnomah County Board of County Commissioners instructed the Planning Commission to consider a proposed amendment to the Zoning Code clarifying the intent of the minimum lot size provisions of the R-20 and R-30 zoning districts.



1 (E) The Planning Commission held hearings on December 6, 1993 and January 3, 1994 to  
2 receive public comment on the proposed amendments.

3

4 (F) The Planning Commission found the proposed amendments equalize the manner in which  
5 lots created prior to and after enactment of MCC 11.15 are allowed to develop.

6

7 Section II. Amendment of R-30 District

8

9 MCC 11.15 is amended by adding:

10

11 **11.15.2848 Definition of Lot**

12

13 (A) For the purposes of this district, a lot is:

14

15 (1) A parcel of land:

16

17 (a) For which a deed or other instrument creating the parcel was recorded with the Recording  
18 Section of the public office responsible for public records, or was in recordable form, prior  
19 to (Effective date), 1994;

20

21 (b) Which satisfied all applicable laws when the parcel was created;

22

23 (c) Which satisfies the minimum lot size requirements of MCC .2844 ; and

24

25 (d) Which was not, on (Effective date), 1994 or later, contiguous to a substandard parcel or  
26 substandard parcels under the same ownership, or

(2) A parcel of land:

(a) For which a deed or other instrument creating the parcel was recorded with the Recording Section of the public office responsible for public records, or was in recordable form, prior to (Effective date), 1994;

(b) Which satisfied all applicable laws when the parcel was created;

(c) Which does not meet the minimum lot size requirements of MCC .2844;

(d) Which satisfies the standards of MCC .2846(B) ; and

(e) Which was not, on (Effective date), 1994 or later, contiguous to a substandard parcel or substandard parcels under the same ownership, or

(3) A group of contiguous parcels of land:

(a) For which a deed or deeds or other instruments creating the parcels were recorded with the Recording Section of the public office responsible for public records, or were in recordable form, prior to (Effective date), 1994;

(b) Which satisfied all applicable laws when the parcels were created;

(c) Any one of which individually does not meet the minimum lot size requirements of MCC .2844, but, when considered in combination, complies as nearly as possible, or exceeds, the minimum lot size requirements of MCC .2844, without creating any new lot line; and

(d) Which were, on (Effective date), 1994 or later, held under the same ownership.

(B) For the purposes of this subsection, *Same Ownership* refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.

### Section III. Amendment of R-20 District

#### **11.15.2858 Definition of Lot**

(A) For the purposes of this district, a lot is:

(1) A parcel of land:

(a) For which a deed or other instrument creating the parcel was recorded with the Recording Section of the public office responsible for public records, or was in recordable form, prior to (Effective date), 1994;

(b) Which satisfied all applicable laws when the parcel was created;

(c) Which satisfies the minimum lot size requirements of MCC .2854; and

(d) Which was not, on (Effective date), 1994 or later, contiguous to a substandard parcel or substandard parcels under the same ownership, or

1 (2) A parcel of land:

- 2
- 3 (a) For which a deed or other instrument creating the parcel was recorded with the Recording
- 4 Section of the public office responsible for public records, or was in recordable form, prior
- 5 to (Effective date), 1994;
- 6
- 7 (b) Which satisfied all applicable laws when the parcel was created;
- 8
- 9 (c) Which does not meet the minimum lot size requirements of MCC .2854;
- 10
- 11 (d) Which satisfies the standards of MCC .2856(B); and
- 12
- 13 (e) Which was not, on (Effective date), 1994 or later, contiguous to a substandard parcel or
- 14 substandard parcels under the same ownership, or
- 15

16 (3) A group of contiguous parcels of land:

- 17
- 18 (a) For which a deed or deeds or other instruments creating the parcels were recorded with the
- 19 Recording Section of the public office responsible for public records, or were in record-
- 20 able form, prior to (Effective date), 1994;
- 21
- 22 (b) Which satisfied all applicable laws when the parcels were created;
- 23
- 24 (c) Any one of which individually does not meet the minimum lot size requirements of MCC
- 25 .2854, but, when considered in combination, complies as nearly as possible, or exceeds,
- 26 the minimum lot size requirements of MCC .2854, without creating any new lot line; and

(d) Which were, on (Effective date), 1994 or later, held under the same ownership.

(B) For the purposes of this subsection, *Same Ownership* refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1994, being the date of its \_\_\_\_\_ reading before the Board of County Commissioners of Multnomah County.

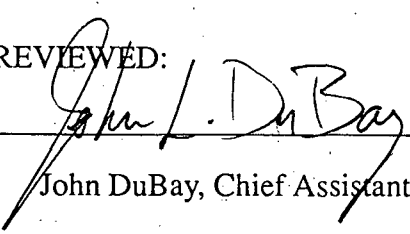
(SEAL)

By \_\_\_\_\_

Beverly Stein, County Chair

MULTNOMAH COUNTY, OREGON

REVIEWED:

  
\_\_\_\_\_  
John DuBay, Chief Assistant County Counsel

for Multnomah County, Oregon